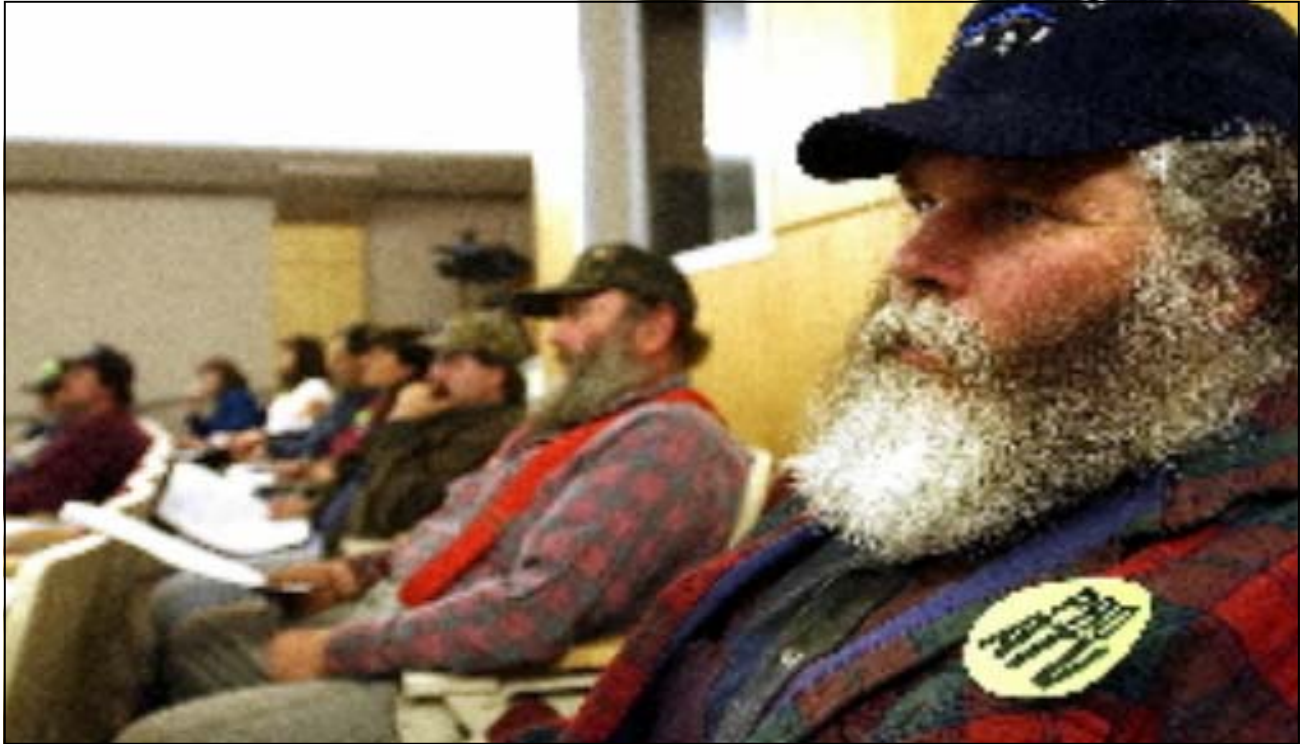


Dec. 1, 2003

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-- Jose Leiva/Sun Journal

OFF-ROADER: John Fowler of Lisbon, a member of the Outdoor Explorers ATV club from Bowdoin, listens during an ATV forum on Oct. 28 at Central Maine Community College in Auburn.

ATV Comments

*Public reaction to the recommendations
of Gov. John Baldacci's
ATV Task Force*

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Executive summary

Conan Furber of Kingsbury Plantation stepped up to the podium in Bangor and began by saying that he wears “four different hats. I’m an elected municipal official. I’m a private landowner of in excess of 100 acres. I have had four-wheelers for over 10 years and ridden many a thousand miles and I’m also an officer in an ATV club.”

Then Furber turned toward members of the Governor’s ATV Task Force and held out his copy of the group’s 46 recommendations.

“I just looked at this tonight after I came in and I’m going to surprise you,” he said. “I think you’ve done a good job. Go ahead -- faint.”

The 15-member ATV Task Force released its initial recommendations on Oct. 6, and then held four public forums in Bangor, Presque Isle, Auburn and Sanford to hear comments from the public on them. With snow falling, about 23 people attended the Bangor forum on Oct. 22 at Eastern Maine Community College. The Oct. 27 forum at the University of Maine Presque Isle drew a crowd of about 120, while about 70 people came to the Auburn forum at Central Maine Community College Oct. 28, and 62 participated in the Sanford Forum at Memorial Gym Oct. 30. At least a half dozen task force members attended each forum.

The Task Force also received comments by mail and email. In all, about 185 people took the time to communicate their views about the goals and recommendations.

“The forums went very well,” said Task Force Chairman Paul Jacques, deputy commissioner of the Maine Department of Inland Fisheries and Wildlife. “People were very constructive and very sincere in their comments. I think that will be helpful to the Task Force as they deliberate on their final recommendations to the governor.”

The task force will meet on Nov. 14 to consider the public comments and to revise its recommendations. Gov. Baldacci expects the group’s final report by Jan. 1.

Among the recommendations that drew the most comments was the requirement that ATV riders have the landowner’s permission to ride unless they are on authorized trails or in areas open by a landowner’s policy.

“I agree with what you’re attempting to do,” Furber said, “but in the course of a typical weekend, I might have 100 ATVers crossing my property. I’m not about to stand out there and write out permission slips ... I agree wholeheartedly with what you’re doing, but how can you come up with a method that says, “This is the ATV trail. Stay on it,” without my incurring a lot of expense and time and effort to designate all those trails?”

Yet some landowners were adamant that written permission was necessary to protect their peace, their property and their livelihood.

“We’re very impressed with some of the proposals. We’re impressed with the dedication that went into

these proposals,” Dan LaBrie, a director of the Maine Potato Growers said at the Presque Isle Forum. “But we think individuals should need written permission to go on agricultural lands. That’s important to us. The Board of Directors of the Maine Potato Growers voted unanimously to require written permission.”

Another topic that generated a lot of comment was the recommendation for mandatory liability insurance for ATVs. Most supported the concept; some thought insurance also should be mandatory for snowmobiles, and others worried about the cost and availability of insurance.

“I’ve got nothing against liability insurance,” said Norm Roberts of Searsmont. “I think it’s a good thing. But the cost is just too much for people sometimes, so they won’t do it.”

Many speakers urged the Task Force to address the problems and damage caused by other off-road vehicles, such as trucks, jeeps and dirt bikes. Jim Lane, the Central Maine representative of ATV Maine, a statewide lobbying group said ATV riders are often blamed for damage caused by off-road trucks and jeeps.

“It’s becoming a major issue,” Lane said. “There’s a growing concern, too, about the dirt bikes in the wilderness.”

Mike Harrison of Lebanon encouraged the Task Force to consider charging a fee for all off-road vehicles, not just ATVs and snowmobiles.

“I get to use your trails without paying,” Harrison said. “Dirt bikes, dual sport motorcycles have street license plates ... I do believe in user fees ... The point I want to make here is that you have a whole demographic that you’re not addressing. There are thousands of dual sport bikes out there. Off-road fees are not paid by (those with) street licenses...All ATVs and dirt bikes should be taxed and if you want to allow jeeps on the trails, they should pay, too.”

Most people strongly supported efforts to increase law enforcement and many spoke and wrote in favor of raising fines – from \$100 to \$200, \$500 -- for ATV violations such as riding an unregistered vehicle, and up to \$1,000 for eluding a police officer. Impoundment of ATVs for criminal ATV violations, such as operating under the influence and criminal trespass, also received wide support.

“Law enforcement is very difficult, especially in areas such as ours,” Diane Walker, chair of the Stonington Conservation Commission, wrote in an email, “where there is no police force, there are no authorized trails... ATV riders operate at any time and ride wherever they please, primarily on private property not their own, and without permission, including on State and Town paved roads (this, at least, only poses risks to operators, not the land). At last count Stonington had 50 +/- registered owners, but as you know, many, if not most ATVs, are not registered. Many acquire ATVs second or third hand, and new owners are unaware of, or ignore, the existing law. Catching unregistered riders and imposing substantial fines may help.”

But others wondered if such fine increases were necessary and whether they also would be applied to those who use other recreational vehicles.

“Are you going to persecute the snowmobile riders also and make them get liability insurance, land owner permission, pay higher fines, etc. or will just the ATV riders be discriminated against?” asked Darrell Wood

“The forums went very well. People were very constructive and very sincere in their comments. I think that will be helpful to the Task Force as they deliberate on their final recommendations to the governor.”

—Paul Jacques, ATV Task Force chairman

of Carmel in an email. “What is this three-tier grant program for law enforcement? The more ATV tickets they write the more money they get? Why should someone who joins an ATV club get a discount registration? This is totally ridiculous. Another form of discrimination. Just another way to bet more money out of me. Just another form of state tax. We are already the most highly taxed state in America.”

The recommendation for a discount for ATV club members received strong support from many, especially those who already belong to an ATV club.

“We need to encourage people to join ATV clubs,” said Bud Nicholson of Fort Fairfield, ATV Maine’s northern representative. “I support the discount for club members. Once people start joining ATV clubs they’ll get information about safety, crops etc. Most of the people I deal with are non-member ATVers. The cure is the clubs and the financial support for the clubs to do the work.”

But others opposed the discount, some saying they felt it was unfair to “force” someone to join a club; others because it would be unfair to other recreational clubs, and some because they thought it would ultimately weaken ATV clubs.

“We do not believe it is appropriate for the state to subsidize or encourage membership in private organizations by reducing state fees for those who join these organizations,” said George Smith, executive director of the Sportsman’s Alliance of Maine. “Are we prepared to offer a discount on hunting and fishing licenses for those who join a local fish and game club? If that is part of the deal, I suppose we would be more enthusiastic! But seriously, this is just not appropriate for the state. And it will not be good for the ATV clubs, where membership should be limited to those with a sincere desire to support, participate in, and contribute to the club’s projects and programs.”

Many people wondered how the Task Force recommendations were to be funded. Smith strongly urged the task force members to ask Gov. Baldacci to redistribute the revenues the state already receives from ATV registrations, which are expected to generate nearly \$2 million annually.

“You of course know that ATV fees were hiked substantially earlier this year,” Smith said, “but the money was used to balance the budget of the Department of Inland Fisheries and Wildlife instead of to fund ATV solutions including more law enforcement and trail building.

“GIVE US BACK THE MONEY!” Smith said. “That must be your first, second, and third recommendation – or all the rest of your recommendations will be useless. Without money, these problems cannot be solved – and ATV owners are already paying much of the needed money – but it is not being used to resolve ATV problems.”

Comments from Bangor Forum, Oct. 22, Eastern Maine Community College

Conan Furber, Kingsbury Plantation. “Actually I end up wearing four different hats. I’m an elected municipal official. I’m a private landowner of in excess of 100 acres. I have had four-wheelers for over 10 years and ridden many a thousand miles and I’m also an officer in an ATV club.

“I just looked at this (report) tonight after I came in and I’m going to surprise you. I think you’ve done a good job. Go ahead, faint.

“My main intent in getting up was to tell you that. Just going down through it, in just the cursory time that I’ve had, I pretty much agree with it. Give me a little time and I’ll find some fault, but I pretty much agree with it.

“Number one (recommendation) does give me some problems as a landowner. I agree with what you’re attempting to do, but in the course of a typical weekend, I might have 100 ATVs crossing my property. I’m not about to stand out there and write out permission slips. I need an effective, inexpensive way of designating – I do have a sign up there on the end of the road that says ‘ATVs only, all others keep out’ -- but then I got into a problem with some people who were trying to tell me they couldn’t tell where the trails were and where they weren’t. So I told them until they got smart enough to figure it out to get the hell off the land.

“So I’ve got a little bit of a problem with that. I agree wholeheartedly with what you’re doing, but how can you come up with a method that says, “This is the ATV trail. Stay on it.’ Without my incurring a lot of expense and time and effort to designate all those trails. I probably have about 10 miles or so of trails on my property that are open. I encourage their use. But how do I enforce this ‘Trails only.’ And it isn’t often that I get into trouble. This last weekend was one of the first time.”

“So that’s about all I have to say. Thank you for the opportunity and I appreciate the good work you’re doing.”

“I would like to share another thing with you. We did pass an ordinance in Kingsbury opening up all the roads, the municipal roads in Kingsbury, as ATV access routes. That went into effect about one year ago. I personally expecting a lot of problems and so far I haven’t had a single one. It worked. I do recommend that it be kept at the municipal level. Let the municipal officials do it. But the only problem that we’ve had with it was that the ATV club furnished the signs and within 10 days, they’d been stolen.

“But as far as the ATV users, I expected it to turn into a big racetrack, because it’s part of it’s a loop. Haven’t had it. Haven’t had any complaints from the people who live along the route. Haven’t had a single complaint. So it’s to be encouraged. I’d like to see more towns (do it). Cambridge has done it and that’s worked very well. We ride over there. It’s a very nice trail. Wellington, Blanchard, quite a few of the communities around that area.

“Under the state law, a municipality can designate routes within a municipality as ATV access. Without that designation, it’s illegal to ride on those roads. At all. Period. No discussion about it. It’s illegal.

This way you can ride. You're supposedly supposed to ride on the right at a reasonable speed. And the people have, in general, been doing it.

Without this you just come up against a big bottleneck if you're coming in from Bingham – wham! – you come up against a town road. If you come in from the north, east, south, west you run up against the municipal. With these being ATV access, now you can go through and you can go north, south, east or west, and it's worked very well.

"As far as being a property owner, my biggest problems have been the jeeps. I have one hill in particular that one turkey likes to climb and leaves two parallel ruts and it washes out. The ATVs in general go up through and they smooth it out. But it's the pickup and the jeep, which has caused me to limit use of my land. No jeeps, no trucks and no dirt bikes, no motorcycle. And that's a personal thing because I got ridden off my road a couple of times by kids on bikes. So no bikes. But ATVs – very few if any problems and that's over many, many years. Thank you for this opportunity.

Jim Lane, ATV Maine's central Maine representative and trail master for Piscataquis Wildlife Cruisers, has an ATV and is a registered Maine guide: "You did good guys. You did all right. There's always a give and take with this thing. I've tried to go through this thing (recommendations) as best as possible in the short time I've had it and it looks real, real good.

"I do have a couple of questions and concerns...ATVers have never been our real problem. We've always been there to assist and to help all the time. I'm finding that more and more as I try to go through my trail system. My trail system covers somewhere between 26 miles of rail bed and some roads, from the Dexter line all the way up through Dover and up to the Monson area. Once I crossed over that old railroad bed becomes private, so I am busy most of the time trying to get my landowners' permission. And I have not had that big of a problem – surprisingly. If there's someone there to vent to they do real well.

"The hardest thing I'm having is in the springtime when I try to close my own trails. I go through a lot of money for snow fencing and steel posts and I'll close them down. I'll put signs that say closed and the landowner will put signs there. And I can't stand it more than 10 days – somebody's got to tear the signs down or rip out the fences. Most of that is not the locals, it's coming because somebody's gone on the railed over in Newport, they've come up and crossed into Dover. And once they come north of Dover, that railed becomes private and they don't have a clue that the railed can be private property. And if they've come that far, they intend to go to Greenville, so they just take it (the sign) completely down.

"So I'm an ATVer who tries to abide by the rules, tries to take care of my trails for the landowner and I'm on the other end of it – I'm getting my stuff destroyed.

"I have a couple of comments and concerns here. I'm a little concerned with the fact that we make our trails between five and eight feet in width. We also try to make our trails universal, so if we're coinciding with snowmobile clubs our trails are wide enough for the drags. When that happens, four-wheel trucks and dirt bikes get in. I'll get a landowner complaint and I'll go up there and look. The landowner will say, "Well look what that ATV did." Well, I'm sorry, but that ATV with one tire cannot get 3 ½ feet deep – especially when the it's six or seven feet wide between the ruts. They'll get in there and they'll just rip that to pieces, beyond what I can even travel into. It's becoming a major issue as well as the dirt bikes. Dirt bikers like to use the trails but dirt bikers like to throttle every single gear they got. And they like to climb hills, over rocks, whatever they can find to travel into.

“This has got to be another concern because that’s a growing part of what’s happening in the state, too, the dirt bike in the wilderness and we’re going to have to worry about finding ways to figure out where to let them do what they can do as well.

“One thing that I’m having a problem with is (Recommendation) No. 1. I’m sure you’ve already heard this, but the fine ... I’m also having that same problem with the fine for unregistered ATVS. Now we’re in a position where our out of state people are paying \$68. They’ve got enough money in their pocket that they don’t give a darn about the other \$32. For one week, they’re going to take a shot at it. I think there should be a seven-day pass for out-of-staters. I think that’s a heckuva good idea. A lot of my people are complaining and so far I’ve had to argue for two months, but they’re gritting their teeth and they are registering their vehicles. I know of a lot who are not. I think it’s a crying shame that we’re going to lose that revenue, especially if it’s a one-week hunter who’s coming in or a one-week vacationer in the summertime. Those revenues need to come back to where we need them. So if there’s a way to increase that fine for unregistered – Make it hurt enough so they’ll do what they need to do and not be so nonchalant as to the fact that for \$32 they’ll take the gamble on getting caught. Who’s going to enforce it anyway? I’d like to see it go between \$200 and \$300 for an unregistered vehicle.

Supports discount for club members. Says ATVs are becoming much more of a family sport. “ And that’s exactly what we want it to be. We’re all going to have the renegade and the rouge but we’ll try to handle this. Your recommendations are a great thing. I’m sure you’re going to get all the support you want from the ATV clubs ... It would be nice to let clubs now where these things (ATV registrations) are being sold so they can get their stuff into the dealerships and get them signed up right then and there. That will bring the revenue into the state as well as the local clubs.

“Other than that I cannot find a lot of fault with this thing (recommendations). This thing is great. I’m glad to see it. Also glad to see that some of our bills that we put in are in there.”

Russ Sylvia, Swanville, Mid-Coast ATV Club: “I agree that it’s an excellent job. The only thing that I have a question on is Number 3. Requiring mandatory liability insurance. How is that going to affect the out-of-staters? Because nine out of 10 incidents involve out-of-staters, not knowing our signs, our language, what trails they’re supposed to be on. And a lot of times they’re the ones who are doing the damage and not being held accountable.” Also worried about cost of liability insurance – he pays \$428 a year. (Other ATVers tell him he’s overpaying; they pay \$150-\$165.)

Bob Holcomb, Parkman: “I belong to the MSA, I’m very active in ATV Maine. Just touching on a few things here, I have a question. Have you people on the Governor’s Task Force seen the ATV Maine newspaper. I mean it’s very interesting. There’s a lot of good information and I would highly recommend that the people who are on the task force should try to get a copy of it. We’d like you to glance this thing over, OK. We were just talking about liability, but right here in the August edition we’ve got Maine Landowner Liability Explained. I just want to make you aware that we’re doing something. Another thing is a lot of people in the state of Maine or out of state, they say, “These kids, these kids on these ATVs.” Well, like I explained to them, “You’ve got the wrong outlook. If you joined a club or if you meet club members, and you take a look at the age group, the average of the people who belong to a club or to ATV Maine, you’re not going to find many kids.” Right now in the October issue we’ve got people here on the front page from the Cambridge Cruisers – you take a look at these pictures. You’re not going to see any kids here. Probably the average age is 50 years old. That’s right. I’ll say 50, I don’t want to hurt anybody’s feelings. I’m well over that. But if you don’t get a copy, you should. We’ll get one to you.

“I don’t want to take up too much time, but (the recommendation to) ‘concentrate more enforcement efforts on high-problem areas.’ We’ve been saying this for quite a while. When you have a problem in a certain area, it seems sometimes it just falls on deaf ears. If somebody’s got a problem with a mud hole, for example, and you’re constantly having a problem Friday, Saturday, Sunday, whatever it might be. Now I love the game wardens and I think the guys do a very good job, but if you can sneak up on a fisherman, you can sneak up on a hunter, you can watch them through binoculars and nail them. If you’ve got a certain area where you’ve got a problem with ATVs, why can’t you nail them? Doesn’t take long for word to get around. It would also be nice if we found out and knew that we prosecuted some of these guys and put it in the ATV newspaper. Make people aware that something is being done. We’ve got to do something. Couple of other things that I have, this is just a question. ‘Make ATV violations count as points against a driver’s license.’ Now, we know what the record was on snowmobiles last year – are they doing anything with snowmobiling pertaining to this?”

“Here’s one thing here that we’ve talked about, and I know if I was one of these fellows, I’d know how I’d feel. If you put yourself in this predicament, just think how you’d feel. “Make any violation of a criminal ATV law result in automatic impoundment of an ATV.” Now we’re out in the woods, you’ve done something wrong that’s a criminal offense, you get nailed. The game warden catches you. I know it’s going to take a little bit of time. Might take two or three hours to coordinate a wrecker to come out and get your machine or trailer or whatever it might be, but it would have an impact.”

Wayne Tripp, Hope, Mid-Coast ATV Club, supports Recommendation No. 19, for ATV law enforcement: “I don’t care what law you pass, there are guys who don’t care.”

Norm Roberts, Mid-Coast ATV Club: “The liability insurance situation is that there aren’t many agencies that will cover it. That’s kind of a real burden on everyone. But perhaps it would be possible to have some kind of blanket coverage through ATV Maine or the state. I’ve got nothing against liability insurance. I think it’s a good thing. But the cost is just too much for people sometimes so they won’t do it.”

Had questions about ATVs that run on tracks and how they should be registered. “If it’s equipped with tracks I think it should be allowed to ride on snowmobile trails. A person shouldn’t have to pay \$70 to register a four-wheeler to be able to use it year-round if it’s properly equipped with a track system. But I’m willing to pay an additional fee to the snowmobile trail fund.

Would like to see more snowmobile clubs and ATV clubs work together. “ATV trails are built to accommodate a 9-foot snow groomer. We’re trying to show the snowmobile people that we want to work with them and that we’re asking landowner for permission to be on the trail.”

On ATV access to town roads, “I think it makes sense if you can use some of the town roads as access routes instead of cutting trails through people’s woods. A lot of people don’t know what a wetland consists of and a lot wouldn’t know if they ran over an endangered species. We share the roads with horses and bicycles. I don’t see why we can’t share the roads more.”

“It always seems like the ones of us who want to do things right are getting hit the hardest, like the liability insurance. I’ve never had an accident so as far as I’m concerned that’s an insult to me and the ones who need insurance are the ones who don’t get it.”

T. Jason, Orono: “Motorcycles are not ATVs. They should not be under the same rules.”

Written testimony of Barry Burgason, Huber Resources Corporation

Good Evening Ladies and Gentlemen, My name is Barry Burgason. I am a resident of Old Town and am employed by Huber Resources Corp. as a wildlife biologist. When it came to dealing with ATVs, guess who got the assignment? --the wildlife biologist.

We manage 320,000 ac. of Maine timberland for the Huber family and an additional 196,000 ac. for 2 other clients. Our ATV policy is to prohibit their recreational use on our lands by the public and our own employees. "NO ATV" signs are routinely posted at the entrances to our lands. We occasionally use them for work related projects and we are talking with a group of camp owners about some limited use near their camps. The reasons for our policy can be summarized as follows:

#1: Safety

#2: Environmental

#3: Liability

Our network of gravel roads are designed and built to move vehicles carrying workers and wood into and out of our lands. We share our roads with visitors to our lands who come in cars and trucks because the vehicles afford them an adequate degree of protection against the cloud of dust, mud and flying gravel thrown up by a logging truck. The same is not true for ATVs, bike riders or horseback riders. Indeed, most of the ATV riders that I have confronted on our roads are not wearing even basic personal protective gear such as helmets or eye protection. For safety reasons, we cannot allow them on our roads.

Most environmental concerns deal with water quality. Illegal stream crossings that erode stream and river banks and winter roads that turn to ditches from ATV travel during non-frozen ground conditions are the most common problems. We have 7 LURC designated Remote Ponds on our land where motor vehicle access is restricted within ¼ mile of the pond. If we were to open our lands to ATVs, I have little doubt that fishermen would beat an ATV path into many of these ponds.

Ultimately, landowners are liable for environmental violations and safety on their lands. While state agencies are very understanding and cooperative about violations of laws by land users, it still falls to the landowner to clean up messes and prevent further messes!

As a landowner representative, one of the worst feelings I get about ATVs is the inevitability of them. From individual "outlaw" user, from organized clubs and from state agencies promoting ATV trails, we receive relentless pressure to "just say Yes" to ATVs. Some people would list them with "death" and "taxes".

As I reviewed the Task Force's recommendations, I put positive, negative and neutral signs by the various statements. To your great credit, I gave you many pluses, especially as they relate to your goals to protect landowners and their property from disturbances or damage, to improve law enforcement response to complaints and to educate ATV riders about laws, ethics and safety.

To achieve these goals, you need adequate funding. I would urge the governor, the legislators and agency administrators to be sure funds are adequate to address the needs you have identified. I believe the ATV users, the dealers and manufacturers should assume the brunt of the load for creating and funding the programs to address the concerns of landowners, other recreational users and the public that have been detailed in your report. Thank you for your time and your efforts.

Written Testimony of Steven Daskoski, President of China Four Seasons Club

I am writing this letter to provide comments/suggestions/corrections on the published recommendations of the Task Force.

For general correction in the document, where a paragraph is mentioned after a section, it is actually a subsection (I.E. Title 12, section 7857, subsection 22-A).

On recommendation #1: Even though, the Taskforce has only been asked to recommend action on ATV issues, I feel that this new language should include all motorize vehicles and exceptions should be more defined. If the new language were added under a different Title (I.E. Title 14 Chapter 739), many provisions under Title 12 Chapter 715 (that state “without landowner permission”) could be repealed. (Note: some current provisions under Title 12 Chapter 715, are duplicates of language in Title 14 Chapter 739).

I suggest changing the term “ATV” to “Motorized Vehicle”, though out the recommendation. Adding the statement “and may also be held subject to Title 14 Section 7551-B (Trespass Damages) or Title 17 Section 3853-D (Operating a motor vehicle on land of another)” to the end of the last sentence.

Also including definitions to the following terms:

1. The term “Motorized Vehicle” means a motor driven vehicle, including but not limited to, an ATV or snowmobile as defined under Title 12 or an automobile or motor truck as defined under Title 29.

2. The term “authorized Motorized Vehicle trails” means a trail that maintained by a club/organization, with landowner permission, and is designated as open to the public for the recreational use of Motorized Vehicles. This trail must be posted as to what vehicle type (s) is authorized and any restrictions on the dates/times it is open to use.

3. The term “areas open to Motorized Vehicles by the landowner’s policy” means any areas that the landowner, or their agent, has publicly announced or documented as open to recreational use of Motorized Vehicles. This announcement or documentation should include any restrictions on vehicle type, dates/times open to use and/or membership in private club/organizations required.

Since current law does not prohibit a hunter/angler from walking across or hunting/fishing on another person’s land without getting permission, you should add an exemption for disabled hunters/anglers who can only access land using an ATV.

On recommendation #2: “Raise the liability insurance provided by the state ATV program to at least \$1 million.” The benefits of providing this increased coverage should be weighed against the cost and how it will affect the funding available for trail/sport riding area creation/maintenance.

On recommendation #3: “Require mandatory liability insurance for all ATVs.” If you require this for ATVs, you should require it for all Motorized Vehicles. This will cause a major problem for ATV rental places, as some have said there is no such coverage available for rental machines.

On recommendation #4: “Establish a damage mitigation fund ...” Should include the language “ To collect moneys from this fund, it must be proven that damage was caused by ATV use”. Also, “As part of collecting moneys from this fund, access to the property should be gated/barricaded and posted to prevent/reduce further damage from unauthorized ATV use.”

On recommendation #5: “Change Title 14, section 7551 (intentional trespass damage), so that landowners can receive treble damages.” Why is this necessary? It is already 2 times the damages. Increasing it to three times the damage will not stop/reduce the amount of abusers. How many times has the abuser been caught and held subject to this law? Most riders do not even know it is twice the damages plus additional

costs, which included the landowners' legal fees. Better publicizing and enforcing this law would stop/reduce the amount of abusers.

On recommendation #6: "Authorize a mud season closure ..." I strongly support this recommendation and believe ATV Maine was correct in recommending this in the last legislative session. My club currently posts a trail closure, during this environmentally sensitive time of year, from April 15 to May 15 (minimum). I believe you should consider an exemption for law enforcement and authorized trail maintenance during this closure. Using the word "Mud" will cause misinterpretations of this closure, as some riders would assume the trail open, if they saw no mud. I would also suggest changing "ATV" to "Motorized Vehicle".

On recommendation #7: "To Title 12, section 7857, paragraph 22-A, "Operating an ATV in a prohibited area..." I strongly support the recommendation. I had recommended, last October, that ATV Maine address this issue in this year's legislative session. Members of my club had heard of an instance, in Augusta, where ATV riders were riding up and down a brook to wash the mud off their machines. We were disgusted and angry that law enforcement could do nothing, as the law did not prohibit the riders from doing this. This change will fix that problem. If Brian Bronson recommends it, you should consider allowing authorized fords where siltation is not a problem and bridges are not required.

On recommendation #8: "To Title 12, section 7857, paragraph 23, "Operating an ATV on crop land or pasture land..." With the creation of recommendation #1, subsection 23 is no longer needed as it only applies to operating without permission.

On recommendation #9: Prohibit snorkel kits and other similar kits ..." With the incorporation of recommendation #7, any place where these kits could be used will be prohibited areas.

On recommendation #10: "Outlaw tires with tread more than one inch deep..." I do not feel this is necessary. The problem is not the tires or the machines; it is the abusive rides. If an aggressive tire is used correctly, at a constant speed with out spinning, it will actually cause less damage. Especially in soft soil locations, where a timid stock tire would spin and tear up the terrain. If this rule is adopted it should be grandfathered to allow dealers to restock.

On recommendation 11: "Change the sound decibel level..." Hand-held sound decibel level testers should be provided/made available for enforcement efforts.

On recommendations 12-17: I support all of these recommendations and believe they will go a long way towards improving ATV education and landowner relations.

On recommendation #18: "Designate the Maine Warden Service as the lead agency ..." Is the Warden Service up to this task? They are already over tasked to begin with, leaving them incapable to providing significant ATV enforcement currently. A new position must be created, maybe under the Landowner Relations branch, to be the lead in this coordination effort and should maintain direct communication with the DOC BP & L ATV program.

On recommendations #19-22: I support these recommendations and feel that they will help in providing the need enforcement required to bring the renegade ATV riders inline. I recommend that under #22 you include Title 14 & 17 and any other laws effecting ATV use, to the training.

On recommendations 23 & 24: I support these recommendations and believe it will greatly reduce the amount of ATV abuse and misuse.

On recommendation 25: I support the majority of items under this recommendation, but strongly feel that ATV violations should not count against a driver's license. Furthermore, I believe that the current age and training requirement for ATV should be adopted for all recreational vehicles. The recommended addition to

subsection 22-B should also include “intentional soil damage” (i.e. spinning tires and tearing up the terrain) and consider moving this Subsection to Title 14.

On recommendation 26: “Give high priority to connecting trails ...” I strongly support this recommendation and feel it is very important in giving everyone a place to ride. This will go a long way toward keeping riders off lands where they are not welcome.

On recommendation #27: “Distribute state ATV revenues in the same categories as snowmobile revenues ...” The funds sent back to the towns **is not in lieu of excise tax, it is in lieu of or for the exemption to the tax on “Personal Property”** (Title 36 Section 502). This is the law that allows a town to tax any personal property, valued over \$1000. Until recently, no town had applied this law to its residents. Title 36, Section 655, Subsection 1, Part L, actually gives an exemption to snowmobiles (I think it was an agreement made, when the snowmobile registration distribution to the municipalities was established). **You defined in your recommendation, it is expected that ATVs will be added as exempt under Title 36, Section 655, Subsection 1.** The wording about excise tax should be removed, as an excise tax can only be imposed on an ATV when it is registered as a motor vehicle for the road. Furthermore, I strongly support the “suggested registration breakdowns” submitted to the Task Force, by Dan Mitchell (ATV Maine President) and believe it is a fair and rational way to distribute the ATV registration fees.

On recommendation 28: “Encourage membership in ATV clubs by offering a discount registration for ATV club members ...” I strongly support this recommendation and feel it will greatly increase club membership, which will result in more manpower to maintain trails. I feel that the non-club member fees should be higher (\$65 resident, \$100 for non-resident), as recommended by ATV Maine at their October meeting.

On recommendations 29-34: I support all of these recommendations and strongly recommend action on #33. I can’t believe the federal government discriminates against ATVs in its funding of **multi-use trails**.

On recommendation 36 & 37: “Develop a program to phase-in mandatory ATV safety training Offer adults (but not minors) the option of completing part of the six-hour safety course by studying at home ...” I strongly oppose these recommendations as currently written. I believe the current mandatory ATV safety training requirement is sufficient and would work if law enforcement ensured that minors complied with it. I feel that the current requirement will be greatly improved when paired with recommendation #40. Since one of the most important parts of any mandatory training course is education on Maine laws governing ATV use, I believe training from out of state should not be excepted (unless it includes education on Maine ATV laws). Since no other recreational vehicle requires safety training, ATV training should be used as an example.

On recommendation 38: “Develop a two- to three-hour annual safety refresher course for adult riders...” I would only support this recommendation if the course were on a voluntary basis.

On recommendations 39-40: “Add hands-on training to ATV safety courses ... Require parents to attend ATV training...” I strongly support these recommendations and believe they will help in stopping many of the renegade teens riding ATVs.

On recommendation 41: “Strongly recommend helmets ...” Since a helmet is required, by law, for riders or passengers under 18 years of age (even on their own property), I feel this recommendation is directed at adult riders. I believe that an adult rider should be able to make a responsible determination on when to wear a helmet. Perhaps the recommendation could be worded to recommend an adult wear a helmet when riding on unpredictable terrain, at speeds greater than 20 mph or in sport-riding areas.

On recommendations 42-46: I support all of these recommendations, with strong support on recommendations 42 & 46.

Comments from Presque Isle Forum, Oct. 27, UMPI

Donald Flannery, executive director, Maine Potato Board: Wants ATV riders to have written permission if they're not on a designated ATV trail. "We're not against ATVs. We welcome them provided that trails can be developed. But there's a difference between riding on a trail and going off across a field.... You can't have unlimited access across agricultural land. There's too big a risk (of spreading disease)."

Dan LaBrie, St. Agatha, a director of the Maine Potato Growers: "We're very impressed with some of the proposals. We're impressed with the dedication that went into these proposals. But we think individuals should need written permission to go on agricultural lands. That's important to us. The Board of Directors of the Maine Potato Growers voted unanimously to require written permission."

Vernon Delong, Presque Isle, executive director Agricultural Bargaining Exchange: Insists on written permission. "I would hate to see ATVs ruin their opportunity to work with landowners in a positive program to gain access to property. That will lead to more posting of property – against snowmobiling, hunting and everything else. I'm afraid it won't be a one-posted deal. It will say "No Trespassing" year-round. A \$100 fine is not much of a deterrent. Some of these young riders have a catch-me-if-you-can attitude. But we're willing to work with ATVs."

Bud Nicholson, Fort Fairfield, northern representative of ATV Maine. Against written permission. "A lot of people have bought ATVs to go fishing and hunting. I'm disabled, but as a result of my ATV, I get out and go to places that I haven't been able to go for many, many years. The farmers are not going to put up with people knocking on their doors all the time. If ATVs need permission, then so should snowmobiles, so should hunters, so should everyone. Most citizens have no ideas where property lines are. The solution is enforcement of the current laws and support for the clubs ... We need financial support ... And we need to encourage people to join ATV clubs. I support the (registration) discount for club members. Once people start joining ATV clubs they'll get information about safety, crops etc. Most of the people I deal with are non-member ATVers. The cure is the clubs and the financial support for the clubs to do the work."

Gilbert Roy, Van Buren: "Where do you get permission when the people (who own the land) are in California or Ohio or everywhere else and just own the land as a deduction? Some is owned by big companies. There are no signs. I own property in Washington County and the Baskahegan Company allows people to ride ATVs on their land. There are no problems. They just ask that when they're cutting -- when you see a sign or equipment -- don't go there. They said they have less problems with vandalism when there are ATV riders."

Ron McPherson, Presque Isle, co-founder of Star City ATV Club: "Once you get an established trail made, people will stay on it. That's a given. We've proven it." Supports discount for club members, but thinks it should be more. Is not in favor of mandatory liability insurance, but supports increase in state policy to \$1 million. Not in favor of written permission. Supports law enforcement of underage operation. "Put more money in law enforcement in the beginning of the season, in mud season, in May." Says other farmers do support and work with ATV clubs. "Our complaints have dropped right out of sight."

"Aroostook County is a unique county. A lot of the problems you're having in southern Maine don't apply here. And I think we're getting tagged for the problems in southern Maine. The key is (club) membership. The problems we have are with nonmembers. A lot of the problems and complaints we take on our shoulders, but we've got to have more law enforcement." Says the new mud run in Presque Isle is "popular. It's taken away vandalism."

Lee Doody, Caribou. Called the recommendations, “Outstanding ...I’m very glad to see this happen. It’s been needed for a long, long time.”

“These people (farmers) are very important to us. We have a liaison with farmers, ATV Maine and the Maine Potato Board. ATV Maine is very important.”

“\$1,000 for failure to stop for an officer seems a little hefty, but one of our members said, ‘It should get their attention.’ It certainly will.”

“I think it’s important that they (legislators) stay pretty much with what you’ve got here.”

Supports limited engine size and maximum speed for ATVS. “We don’t need 70 mph ATVs. We don’t have a place for doing that kind of thing. Maybe you should consider limiting that kind of thing.

Laurence Park, Presque Isle, a farmer and tree farmer, supervisor of the soil and water district for years: “I don’t own ATVs, but I’m for recreation – snowmobiles, ATVs and cross country skis. But if he brings a bacterial rot in, I’m out of the seed potato business for a while. That’s why we need trails. That’s why landowners like liability coverage. I have a tree farm and there’s a woods trail for skiing. But the sod cover is very tender, vulnerable to traffic. I only go on it once a year or less and you can only go on it at particular times. The main thing is you need trails and they need to be built so they can withstand traffic. And there’s an erodability factor.

Ted Brewer, Big 13 ATV Club: Supports connected trail system. “Dead-end trails should be signed. When some of the trails are connected it will solve a lot of problems.”

Skip Dumais, manager of the Van Buren water district: Doesn’t like the phrase “public water supplies” in recommendations. Says there are places where trails are appropriate on water district land.

Richard James, former hay farmer: “I’m for written permission. It doesn’t make any difference if you post your land, the signs will get torn down.” Supports increased fines.” Start at \$500, but have two different stages of fines.”

Rommy Haines, Mapleton: “We don’t want you out there charging people with criminal charges who have been used to riding in an area.” Suggests \$100 fine and 30-day registration suspension for the first violation; \$200 for the second; \$300 for the third, and on the fourth offense charge with criminal trespass. “We can work together to solve these problems.” Suggests use of courtesy cards provided by IFW landowner relations office. “How easy do you think it is for a landowner to sort out who’s on his land? I’m not against ATVs, but written permission is needed.”

“Outdoor sports will be driven by motorized sports. Good landowner relations is the key to these activities. Nick Archer said (in the SAM News) that, ‘Access to free land in Maine is unprecedented in this country and the key to that is to ask permission before you go on the land and then treat it like its your own.’

“That statement enrages me. The key should be to treat it like it’s MY land. Treating it like it’s your land isn’t the way to do it. It’s up to me to decided what I want to do with my property. I have that right.

“If you want to get us together, we need to have it as top billing – WRITTEN PERMISSION. That just shows respect.”

-----Original Message-----

From: Rommy Haines [mailto:bryantpondfisheries@hotmail.com]

Sent: Tuesday, September 16, 2003 12:25 PM

To: Brian.N.Bronson@maine.gov

Cc: jolson@mainefarmbureau.com

Subject: Landowner permission rough draft

Landowner permission will be required to operate an ATV in the State of Maine. Proof of permission must be furnished in writing by the operator upon request by a law enforcement official with the following exceptions;

1. The operator has a registered machine on a State sanctioned ATV trail.
2. The operator is using the machine under contract for or in the employment of the landowner.
3. The operator is the landowner.
4. The operator is on land which the landowner has indicated to a representative of the State that said land is open to public ATV use. This indication may be in writing or verbal so long as it is freely given prior to the operator entering the land in question. Violation of this law will be considered a civil violation of the terms of registration and not by itself an act of criminal trespass. Sanctions will be done administratively by the Commissioner as follows;
5. Failure to produce written evidence of permission shall result in the immediate suspension of the machines registration and removal of tags for 30 days. After 30 days the operator of the machine may reregister the machine for a fee of \$100.
6. Second violation of this law will result in the immediate suspension for 60 days and a reregistration fee of \$200.
7. Third violation of this law will be the impoundment of the machine for a period of six months, suspension of all registrations in the name of the operator and a \$500 fee to reclaim the machine and reregister it.
8. Any ensuing violation by the operator shall automatically be treated as a criminal trespass complaint to be prosecuted by the state on behalf of the people of the State and will not require any given landowner complaint. 75% of the above fee will be given to the law enforcement agency enforcing the violation to defray cost of enforcement. 25% will be given to the Department for ATV education and safety programs.

This law is not intended to supercede the right of the landowner or State to pursue any other violations that may have simultaneously occurred. Criminal trespass, damages, unregistered operation, OUI, etc.) It is simply intended to codify the presumption that landowners have the right to control the use of their own property and no one should assume ATV use is permitted. The onus should be on the ATV operators and their licensee to determine where these recreational vehicles can legally operate. The proposal is self funding, targeting the people who are the problem for payment and not legal operators and completely innocent landowners. It is in no way intended to prevent any willing landowner from allowing ATV use on their land. It does allow the landowner control the nature of that use if they so wish. Certainly some landowners will use the law as an excuse not to allow access and certainly there will be many who don't think it goes far enough. ATV

operators must accept the loss of some access, landowners will still have some problems to deal with. This is a good first step if you are truly interested in solving the problem.

Gerald Morrow, Van Buren ATV Club: Recommends that Canadians not be charged non-resident registration fees. “We have 600 members in our ATV club and one-third of them are Canadians. We’re losing one third of our members because they won’t pay the new fee. I wish they’d have an exemption for Canadians.”

Omer Lebel, Van Buren: Agrees that Canadians should not be considered non-residents: “These Canadian people are just like our people.”

Jerry Weiss, Westfield Maine. Supports noise reduction on all ATVs and elimination of two-stroke machines on trails. “It’s very annoying to anyone living near a trail or to anyone who hunts and enjoys the solitude of the woods.”

“I taught my son that if you’re off our property lines, you’re trespassing. Most property owners don’t mind people hunting or fishing. They just don’t want vehicular traffic. There are liability factors, noise factors and property factors.”

Albert Johnson, Smyrna Mill: Supports giving towns a share of the ATV registration revenues.

Barry Higgins, Dyer Brook: Supports more joint trails for snowmobiles and ATVs. “ATVs should have head lights and brake lights that go on automatically, when you start the machine.”

Danny Nicholas Fort Kent: “I support most of your proposals.” Would like to ban ads showing ATVs and snowmobiles flying through the air and other misbehavior. “They should stop that.” Would like larger ID tags. Thinks if OUI should count against an ATV rider’s license, it should be the same for snowmobilers. Believes that landowner permission should be required if an ATV rider is off a signed trail and that it’s the responsibility of the rider to get permission. “It’s their problem to contact landowners and get their own permission.”

He also thinks a lot of the damage blamed on ATVs is caused by four-wheel drive vehicles.” But most of the recommendations, our club supports. We can’t get everything we want, but it’s a good start.”

Tim Scott, Mapleton, commenting on Recommendation 7: “There should be a system to verify that an ATV user has permission to be on the land. There should be a system wherever there is environmental damage occurring (to hold) the operator liable.”

Thinks ATVs should be stopped from running through streams. “For some reason they (laws) don’t seem to govern anything to do with ATVs. We need more protection for shorelines... It needs to be written into the recommendations that there is stricter environmental protection of sensitive areas.

He owns an ATV, but thinks operators should be required to have written landowner permission except on designated trails. On those riding on his land, “99 percent are not members of ATV clubs. None of them knows whose land they’re riding on. Most of them don’t even know where they are. I’ve had hundreds of four-wheelers on my land and only a few have ever asked permission. I’ll tell you what if you’re a landowner you’d be happy if they’d ask your permission. I want people to ask your permission.”

Dan Bridgham, Mapleton: Believes economic impact study is import. “You need to know the size of your industry ... I’m sure the number could be as good for ATVs as snowmobiles. But you have to put the money into it. Trails are very important. Some people don’t realize that maintaining an ATV trail is as expensive as a snowmobile trail. Proper construction costs you real dollars.

“We need to look out for the landowners because if we don’t look out for the landowners we aren’t going to keep enjoying the use of other people’s land ... I’m very encouraged by the number of people here tonight.”

Written testimony of Kathleen A. Mazzuchelli, Supt. of Parks & Recreation, Caribou

I wish to extend a sincere thank you to the Governor's ATV Task Force for their hard work and comprehensive recommendations. The report is long overdue but well constructed and I remain hopeful that action will be taken as a result of the report on behalf of all landowners and all responsible ATV owners and operators.

For the record I wish to note that by definition the term all terrain vehicle includes two wheeled and three wheeled vehicles as well as the more popular four wheeled vehicles and *any other motor driven, off-road recreational vehicle capable of cross country travel on natural terrain* with the exception of automobiles and trucks and other vehicles as noted in Title 12 Chapter 715 ss 7851. The reason I note this definition is due to the fact that most people tend to zero in on the perception that the more popular four wheeled vehicles are the sole focus of attention when it should be noted that property damage is caused by a variety of all terrain vehicles.

The following comments deal with specific sections of the Task Force Report and recommendations included therein.

Although it does appear to be cumbersome, when you look at the scenarios, it may not be as labor intensive for the landowner as one might think. There are assumptions to be made here; first, a hopeful result of the Task Force Recommendations will be more authorized infrastructure to ride on; second, there are a number of large landowners that clearly exclude all terrain vehicles. That being said, we should be placing the burden of recreating on the actual recreator him/herself rather than the way we have worked in the past where there is an accepted access policy on all Maine land that is not posted by the landowner. The Maine Trappers Association has been doing it for years with a small green notebook that shows the recreator has spoken with the landowner and received permission. This at least makes the user acutely aware that he/she does need to obtain permission and may simply increase the number of phone calls or knocks on the door rather than actually having to sign a permission form.

Ref: Task Force /Strike Force

It is unfortunate that for years, the argument about who is responsible for enforcement has precluded any enforcement and created a situation where we have enabled bad behavior by having no deterrents. Since all recreational vehicle laws are State Statutes and therefore enforceable by any law enforcement agent, my question is why has the problem with all terrain vehicles escalated to this point. The largest issue from local law enforcement over the years has been that all fine monies go to the State and therefore IF &W should enforce recreational vehicle laws.

The proposal to utilize gas revenues and fines to fund improved law enforcement will satisfy a number of local

agencies, however, the question is when the strike force deals with multi-jurisdictional issues, what agency will cover the liability coverage.

Reimbursement for Level 1 & Level 2 enforcement should enhance local enforcement which for years has been problematic.

Based on costs and service levels, engaging a contracted service for administration of the program would be encouraged.

Ref: Visible Identification

Another area that has been problematic is the inability to be able to read the existing registration plates. David Crum from ATV Maine presented testimony to legislators last year describing a potential solution to this problem. Crum designed a decal that is much more visible and user friendly. In the end, one of the reasons that the concept failed was that IF&W has a large inventory of plates currently. The existing plates are poorly designed and therefore, to enhance law enforcement and local policing by other riders and landowners, I would encourage adoption of Mr. Crum's design or one similar that is more clearly visible.

Ref: Minimum age requirement

This item has been discussed for years. We now have a golden opportunity to standardize a minimum age requirement for the operation of all recreational vehicles.

Ref: Attachment of OUI & Impoundment

The Maine Snowmobile Association has been struggling with this one for years. Locally there are several individuals that have lost their Maine driver's license for OUI convictions and use their snowmobiles and ATVs for transportation. Attachment of OUI for both snowmobile and ATV convictions would be a considerable deterrent for most people.

Impoundment is simply devising another tool with teeth for law enforcement officials and should be strongly supported. If we had been impounding ATVs all along, this whole issue may have surfaced sooner and greater strides made.

Ref: Distribution of ATV revenues

The reason the ATV problem has evolved to this level is primarily due to the lack of sufficient infrastructure. This report demonstrates that problem on page 3 where it notes there are 52,830 registered all terrain vehicles but only 2200 mile of designated trail. As much as we need to enforce laws, there will continue to be an increasing upward spiral of complaints until we have more infrastructure.

Based on this issue, I would encourage the Task Force to recommend that of a \$33 registration fee: \$17.50 be

directed to IF&W for enforcement; and \$15.50 go to the Maine Dept of Conservation for trail development. Leaving the proposed breakdown at \$9.42 for the DOC will not allow local areas to develop and maintain appropriate infrastructure to mitigate the existing problems.

I will cite one great model that supports the need for infrastructure. International Paper, as a large landowner, was embroiled in turmoil with all terrain vehicles, they chose to work with the local clubs and the MDOC to mitigate the problems. The end result was a well developed system of trails, well marked and an educational program developed for local users. The problems virtually disappeared.

A like situation has occurred recently in Presque Isle. The Presque Isle ATV Club built a mud run area for local enthusiasts. In recent meetings with a variety of landowner and user groups, all noted that there has been a direct correlation between the diminishing problems they have encountered with ATVs and the development of the said site. We can't lead by prosecution, we need to lead by solution, the solution is clearly the development of more infrastructure.

Ref: # 30 Solicit help from

The Soil and Water Conservation Districts and conservation organizations can be used to develop best management practices as it pertains to trail development. They could also be utilized as liaisons between trail developers and the agricultural community but their funding should be used for their projects. Recreational users should be paying for their own trails system and if sufficient funding was made available to MDOC through registration fees, that goal could be realized.

#33 Inclusion of motorized vehicles...

The Maine Recreation & Parks Association has been lobbying the Maine congressional delegation about this issue for three years. The Maine State Trails Advisory Committee met last spring with a representative from each congressional delegate's office to address the issue.

Every agency and individual in the State should be lobbying for this one. All terrain vehicles are alternative modes of transportation in Maine and many other rural states. There is a significant economic impact currently from all terrain vehicles and that impact can grow significantly.

Ref: Safety Issues #35

To offset the cost for safety education and safety efforts perhaps we could encourage that \$1 from every machine sold by manufacturers be placed into a safety education trust allotted by grants to states presenting well thought out program---or have states compete to develop a model and use it in all states.

Monies might also be sought from insurance companies who underwrite programs. Education monies are also available under the Maine Recreational Trails Grant Program.

There are many alternative opportunities for the development of safety and education programs without utilizing yet another dollar of the registration fees at this time.

The development of ATV Maine as a parent organization for ATV clubs will also help in this effort.

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Again, attempting to find an existing model and request funding from manufacturers, insurance companies and other safety sources.

Also under this section are bullets 3 & 4. There are a variety of informational brochures already available as well as maps. The problem has been the delivery system. It has been difficult to obtain maps and brochures. This information should be given out with each registration. We do not need to reinvent the wheel here, just understand the breakdown in the current delivery system and correct it.

Regional maps similar to the Aroostook County Snowmobile Map would also be an important tool. The existing State map shows significant voids in the system and actually encourages trespass by showing a lineal route with a break and then another lineal route but no connecting route.

In closing, I wish to again extend a sincere thank you to the Task Force members for their dedication of time and for their consideration of input from the public.

Brief Comments on Recommendations written on sign-in sheet

- Robert Cold, Fort Fairfield: "No new laws"
- Scott Sherwood: "Too many laws already."
- Ronald Carney, Ashland: "Agree with most." Gerald Morrow, Van Buren
- David Coulters, Woodland: "Are all vehicles going to be restricted in streams, throfares etc. If prohibited to ATV, all vehicles should be prohibited."
- George t. James, Lucerne Farms, Fort Fairfield, Presque Isle, Enton: "Stop the ATVs destroying our crops!"
- Kendall Webber, Mapleton: "If we have trails to ride on, the big problem with landowners will decrease."
- Hugh Crammond, Ashland: "Support recommendations!"
- Frederic Flewelling, Crouseville: "Written permission.
- Douglas Blackstone, president, Maine Farm Bureau, Easton: "Written permission."

Comments from Auburn forum, Oct. 28, Central Maine Community College

Paul Birdsall, Penobscot, farmer, chairman of the Hancock County Soil and Water Conservation District, member of the Maine Farmland Trust: “One of the big problem is identifying people (ATV riders) because they’re here today and gone tomorrow. I ran one into a ditch chasing them ... We need a means of identifying people, one on the front and one on the back I’ve posted my land along with my two sons and our neighbors. We did post it just against recreational vehicles. We said it’s OK for people who want to ski and hike and do non-motorized recreation. It’s been pretty effective. Nobody’s coming through right now. They are coming through another field.

Supports the recommendation for more education and getting people into clubs. “I think that would work for a lot of people. After school, every weekend, people are letting their kids ride these vehicles unsupervised.”

Tells about two “little girls” who live nearby and a “boy from elsewhere” riding on the shoulders of Route 15 and riding in “an improved hay field.” He talked to them and “there hasn’t been much of a problem out there since. There’s no club that’s going to deal with that. We need more liaison with the parents ... You can’t call the police strict game warden for something like that. The best you can do is educate people when you can

“A cautionary note about multi-trail use. I don’t think you’re going to have saddle horse people sharing trails with ATVs no matter how considerate people are.”

Harlan Brown, South Gardiner: Has had an on-going problem with ATVs for two or three years and feels he has not had cooperation from law enforcement or prosecutors (Dave Crook) in solving it. “These (the recommendations) are good suggestions but they’re all useless unless you’re going to enforce the law ... I’m about ready to shut this property down to everybody, even hunters. And I’m never posted it. Get something going because this is ridiculous.”

Jeanne Raymond, No Name Pond, Lewiston: Needs help with damage to snowmobile trail in her area by ATV riders. Suggests that the task force look into the success of an ATV enforcement program by the Methuen, Mass., police. “Control – enforcement badly needed.”

Debbie Purrington, landowner and recreational ATV user: “The first thing is I think the task force did a really good job on the report. I think the way to get a solution is everybody working together.

“I think there will be unexpected consequences of requiring written permission. As a landowner, how would you feel if 500 or 1,000 people came knocking on your door asking for permission to ride on your land? I would be worse than the onslaught from the telemarketers. I’m afraid that will kill the sport of ATVing. And as a landowner, I’m very hesitant to sign anything in writing because of legal liability.

“I believe it’s a small percentage of the ATVers who are doing these things. I heard all the negative images in the media and I was afraid to join the ATV club. But I found they’re responsible, nice people. That’s not the average ATVer (who’s causing problems), that’s a very small percentage. They’re not obeying the laws now. They’re not going to change because we have more restrictive laws. We need to enforce the laws,

even though I know it's very hard to catch them ... But requiring landowner permission is not the way to go. Very few people are blatantly breaking the laws. You shouldn't punish all the law-abiding citizens. Front and rear license plates are the way to go. A flagpole in back would be a safety issue."

Judith Berg, Buckfield: Suggests that someone should develop a registry, similar to the Do Not Call list, in which landowners could state (perhaps using a tax map) where they would allow ATVs, would not allow them, or would be willing to consider ATV use. "I do believe there must be some way to let the state know that they do or don't want to allow ATVs on their land -- A Do Not Ride list... I think this might be a very good start. I don't want to see ATVs shut out but they do do damage. I don't think you should put the onus on the landowners to go and post their land."

Steve Bowden, Lewiston: Does not like the paper plates. "It seems like every time you catch someone in the act of doing wrong, they have no plates on their machine." He'd like to see a law that would require ATV riders to identify themselves and show their registration -- not just to law enforcement officers, but to landowners. He supports more education for riders and would like to see signs posted with more consistency. Many clubs post a sign that should act as an arrow, but with the arrow pointing in the wrong direction. "It's a good thing we don't understand them (signs) because we'd be going off the trails."

Dave Crum, Augusta (also written comments) The flag system just won't work. Our feeling is there's going to be a new kind of litter all over the state -- pieces of flags. We really think that's a bad idea. We endorse the sticker that can be put on all machines.

On recommendations in general, "there are many pluses and a few negatives."

Bill Morse, Rumford, president of the River Valley Riders ATV Club: Says the club has 216 members and has built 200 miles of trails. "We work with landowners. We don't try to put trails in place when people say, 'No way.'" If there's a problem we jump on it and we want to work with landowners.

"This is a great report and I want to give the task force a round of applause for doing it.

"There are dedicated individuals in clubs. We fix the damage caused by off-road vehicles, we put gates on property, we put cable around hayfield (to protect them), we help snowmobile clubs and landowners in the area. Maybe someday these landowners will let us run a trail in their area, but we did this because it's the right thing to do.

"We support tax relieve for landowners and we do have multi-use trails. The Jay trail is multiuse and we have sometimes pulled to the side and let horses go by.

Supports the mobile strike force and wonders if junior wardens might be helpful to deal with problem son ATV trails. Doesn't not support flags for registration. Tried that on Canada trip and three of seven of the flagpoles broke during their trip.

Says that ATVs give handicapped people the opportunity to get to remote ponds. "ATVs are good for handicapped people. I don't think we need more laws. We need to enforce the laws we have."

On ATV revenues balancing the IFW budget: "We didn't get a lot from that. Rogue riders are the problem and nobody's doing anything about it. That's the problem."

Endorses Dan Mitchell's recommendation for distributing ATV revenues. "That should be part of your recommendations to the governor. And make registration convenient. Make it possible for people to join clubs at the time of registration. Out-of-staters also need a place to register on the weekends."

“The safety program idea is great. I think we need to get that right on schedule.”

Bob Delong, Jay: Opposes mandatory liability insurance for ATVs. Supports ban on snorkel kits and tires with tread over one inch, but would add that the tires themselves can be “no greater than 25 or 26 inches.” “I do not believe they belong on the trail sin Maine and there should be no after-market pipes.”

Thinks ATVS can co-exist with other trail users, such as bikers, walkers and horseback riders. “I do believe ATVs have a place in Maine. I want landowners who are having a problem to know that we will get these renegades off the trails. But it will take time and I apologize for that.”

Harold Estabrook, Freeport. Believes ATVers should be able to ride on secondary roads. “Bicyclists ride everywhere they want to and they’re not even registered. And they’re a big danger on the roads.” Albert Blackstone of Pownal agrees.

Rep. Rosita Gagne-Friel, Buckfield: Opposes counting ATV offenses against a person’s driver’s license.

Written Testimony of George Smith, Executive Director, Sportsman’s Alliance of Maine

“It will take all of us, working together, to control the problems yet still preserve the personal and economic benefits that ATVs can bring to our state.”

Those are the words of Governor John Baldacci, delivered on March 18, 2003 to the ATV conference sponsored by the Sportsman’s Alliance of Maine and funded by the Maine Outdoor Heritage Fund and the International Paper Foundation.

More than 300 people attended that conference and left with a sense of excitement and accomplishment, knowing that solutions to ATV problems are available and can be achieved through cooperation and collaboration. We heard about many solutions that day, and I am pleased that so many of those solutions have found their way into your report and recommendations.

This ATV Task Force is really an extension of the conference. It was at the conference that the Governor announced his intention to appoint a task force to “develop a comprehensive ATV action plan by January 1.”

Governor Baldacci is to be commended for his prompt action in organizing this task force, and in the specific charge that he gave you. And each Task Force member deserves our gratitude for the exceptional – and exceptionally fast – work that is evident in this report.

At the conference, the governor said he would ask the task force to build its plan on three major principles:

- Community involvement: “We want to funnel ATV revenues back to Maine’s communities so that they can find their own solutions to their own problems... we also know that community-supported solutions have a far greater chance of being successful,” he said.
- Interagency cooperation: “ATV problems aren’t confined within the boundaries of towns or counties. That’s why Maine’s law enforcement officers must share their time, resources and knowledge to get them under control,” said the governor.

- Combined resources: “Rather than scatter the revenues from ATV registrations through state agencies, we should channel them all into one. If ATV funds are distributed from a single source, we can establish priorities, make policies consistent and assure more accountability,” he said.

We continue to believe that these should be the principles that guide your plan and our state’s response to ATV problems and issues. Governor Baldacci was right. But I note that you have gotten away from these principles in some of the recommendations, and I encourage you – in the final report – to focus on the recommendations that are based on these principles.

There is no doubt that locally driven community-based solutions are the only solutions that will be effective. That was the conclusion of our ATV conference and that must be the focus of your plan.

Before I get to the single most important issue, I would like to comment on just a couple of your more controversial recommendations.

Requiring landowner permission: Sportsmen are very familiar with the problems of obtaining landowner permission to recreate on private property. I can tell you first hand that it is very difficult, in many cases, to locate the landowner and to convince the landowner to give permission – especially written permission. I urge you to obtain more detailed information on this issue and to think it through very carefully.

Speaking for myself, as the owner of a 150-acre woodlot, I can tell you that I would like ATV riders to obtain my permission for riding on my property. And this may be a necessary step toward steering ATV riders onto designated trails. But – given that Maine has very few designated ATV trails – this requirement will severely limit the places where ATVs can be used. Given the governor’s interest in sustaining the economic benefits that ATVs bring to Maine, this requirement may severely dampen that economic contribution. I expect ATV use to decrease substantially if this requirement is enacted into law.

Let me emphasize that SAM is not opposed, at this time, to the requirement that ATV riders obtain verbal permission from private landowners to ride on their property: I am simply saying that this needs a lot more thought and public debate. It is a very significant step – and one that outdoor recreationists have generally not been burdened with in the past.

ATV Clubs: We do not believe it is appropriate for the state to subsidize or encourage membership in private organizations by reducing state fees for those who join these organizations.

Are we prepared to offer a discount on hunting and fishing licenses for those who join a local fish and game club?

If that is part of the deal, I suppose we would be more enthusiastic!

But seriously, this is just not appropriate for the state. And it will not be good for the ATV clubs, where membership should be limited to those with a sincere desire to support, participate in, and contribute to the club’s projects and programs.

\$\$\$\$\$: Now to the big issue – and really, the only issue that matters right now. Your effort will be wasted unless the funding is made available to implement your recommendations. I urge you to meet, as a Task Force, with the governor and join our effort to get back the ATV registration fees that were – let’s see, I don’t want to say stolen, because no one was arrested or prosecuted for this offense – so I guess I should say diverted to other uses.

You of course know that ATV fees were hiked substantially earlier this year, but the money was used to

balance the budget of the Department of Inland Fisheries and Wildlife instead of to fund ATV solutions including more law enforcement and trail building.

GIVE US BACK THE MONEY! That must be your first, second, and third recommendation – or all the rest of your recommendations will be useless. Without money, these problems cannot be solved – and ATV owners are already paying much of the needed money – but it is not being used to resolve ATV problems.

But please – be aware that simply demanding that ATV registration fees be used for ATV solutions won't work. DIF&W is now dependent on that money, which is expected to provide \$1.4 million in this fiscal year for the department. Without that money, DIF&W is looking at more layoffs of wardens and biologists.

If we're going to put that ATV registration money to work implementing your recommendations, it must be replaced at DIF&W by other monies. I ask you, please, to join us in demanding that the general public – the people of Maine who receive so many benefits from their Department of Inland Fisheries and Wildlife - contribute some of their tax money to that department. This must be achieved, so that the ATV funding can be properly directed to ATV solutions.

So, like so many other things in Augusta, it all comes down to money. Good luck in finding it!

Written Testimony of Steve Brooke

My name is Steve Brooke and I live in Farmingdale, in Kennebec County, not far from our State Capitol as the crow flies.

First and foremost I want to thank you for taking the time to take input at public hearings. I understand personally how hard it is to work all day and attend hearings all evening. Thank you for coming here tonight.

I have come this evening to express my concerns about the draft report you have circulated and to offer you some deeply heartfelt suggestions. I am here tonight as a Maine citizen who has a very significant stake in the outcome of your Task Force and any legislation that flows from it. My stake in this is both personal and professional.

I have grown up in the outdoors of Maine and in my 58 years have used many of our public lands. I have also spent an even larger amount of my outdoor time on lands that belong to my neighbors and on lands of many other Maine landowners. In fact, what makes Maine a very special place to live is the generations-old tradition of allowing access to private lands for hunting, fishing, hiking and other traditional uses.

The outcome of your task force is going to have a significant impact on this tradition that we hold so dear in our state...the tradition of keeping private lands open to the public.

My family has lived in Farmingdale for 21 years. We built our home to be heated with firewood. For 21 years we have maintained our family woodlot, and built trails so we can harvest firewood from our land. We have worked with the local snow-mobile club to build and maintain a snowmobile trail across our private land even though we prefer to use snowshoes or skis. We do not own a snowmobile. The club has been great to work with and has carefully marked all of the trails in the area "NO ATVs" at both my neighbors and our request.

This year abuse from off-road motor vehicles has grown to the point that we are seriously considering posting all of our land "NO TRESPASSING". The problem began at dawn on Memorial Day Weekend when we were awakened by ATV's tearing up one of our woods roads. The ruts they created in a single morning will not go away. This summer the "NO ATV" signs put up by the local snowmobile club have all been torn down. Each time I have gone down into our woodlot, I've placed larger and larger boulders in the trail to discourage motor vehicles...and each time I go down in back they have been moved. The most recent insult is a full-sized Jeep

Cherokee abandoned down a dead-end woods road in the middle of a wetland...mired up to the floorboards. When I shared my problem with the president of a large ATV club at a recent public forum, his suggestion was truly typical of the off-road industry's motto..."burn it and leave it where it is"! We are taking a different approach and working the Maine State Police to address this more appropriately.

Early this fall I was able to confront an ATV trespasser on a trail that had been blocked with 4' of pine bows. The driver was not a child...it was a middle-aged man driving an unregistered ATV, who refused to identify himself, and who broke through a gate to avoid me, driving across my neighbor's lawn to escape down the state road. Even if I had a cell phone to dial 911 and the special ATV task force enforcement team you propose had been just a few miles away this person would have been long gone before they arrived.

So, my personal experience with off-road motor vehicles as a landowner has been discouraging and it leads me to the conclusion that the off-road industry in Maine is clearly out of control. If other private landowners receive the same abuse that our lands have received, they will soon be considering the same action that we are seriously discussing for the first time in our 21 years of ownership – closing the snowmobile trail and posting NO TRESPASSING to protect our lands from destruction and to protect our investment in our property.

In my professional life I am finding very similar stories. I work in a public capacity on land issues for our state. LET ME STRESS that I am NOT here this evening to speak for the public program I work for. But you need to hear some of what I hear as I talk with people from all across the State of Maine on a daily basis.

Time after time I hear the same concerns and conclusions I have come to as a private land owner. Some land owners feel that they are being strong-armed and in some cases literally blackmailed into creating access paths for motor vehicles. The decision they face is having widespread destruction all across the properties they are trying to protect or create a trail to be destroyed by motor vehicles with the hope of limiting the destruction to a defined area. Others complain that public lands that have been opened to motor vehicles are being destroyed. I hear complaints about fragile remote ponds being put at risk from siltation and run-off caused by off-road vehicles. I hear complaints that when multi-use trails are built on public lands, they rapidly become rutted out, unpleasant to walk, single use motor vehicle trails that are too unpleasant and too dangerous for hikers or horses. And when I visit public lands that I have helped acquire, I find damage from off-road vehicles almost everywhere...rutted out and eroding trails, and all too often damage to fragile wetlands.

Last week I had the pleasure of attending a public listening session up in Caribou. Aroostook County's economy has very few bright spots but one of them is the rapidly growing industry built around snowmobiles. Looking at the snowmobile trail system map, and you will be taken by the amount of private lands the trails cross. Just like down here, the snowmobile trails that the snow-sled economy relies on are almost all privately owned. If ATV's and other off-road motor vehicles abuse private lands up there as they have in my own back yard, I have great concerns that the economy that has grown around snow-sleds will be at risk. I cannot believe that landowners will stand for the destruction these machines create. If landowners close their private lands to public access to protect their lands from off-road vehicle destruction, the snow-sled economy will be at risk along and our heritage to hunt and hike across Maine's landscape will be lost.

Some specific comments on your Draft Report: My concerns begin on the cover sheet with the title proposed. Your report does NOT provide "ATV SOLUTIONS" or address the problem at hand. The situation which I have experienced with the Jeep Cherokee stuck floorboards deep in the wetland on my back woodlot shows clearly the problem goes well beyond ATV's. The problem includes all wheeled motor vehicles that operate off the public roads in our state.

My concerns continue with some of "solutions" you promote. Offering ATV clubs to control this destruction is not a solution that will work everywhere in our state. In my own neighborhood the individual trying to organize a local ATV club has become so discouraged that he is now talking about given up. Landowners

simply will not willingly open their property to the destruction caused by these vehicles. Relying on ATV clubs may work when landowners who are trying to be good neighbors but who are ignorant of the damage to come...or clubs may work when they intimidate landowners into providing access. However in my neighborhood where the damage has already been done, where signs have been torn down, where snowmobile crossing bridges have been broken by ATV's, where deep ruts have been cut into grassy hillsides, where trails erode into streams because of off-road vehicle abuse or where full-sized vehicles are abandoned in wetlands, it is too late to think that ATV clubs will be the solution. My family does not need tax incentives to keep our land open to snow-sleds or hunting or horses. We need the end of this abusive and destructive off-road industry.

In today's economy a fatal flaw in your proposal come with proposed "solutions" without any funding mechanism. Solutions without a basis in reality may feel good and gain you some good press, but recommendations without the budget line item to support them will go nowhere when they get to Augusta. For example, I could sure use some financial assistance to hire a skidder, to repair the damage to the wetland, and to pay for my time as I am forced to deal with the Jeep Cherokee in my woodlot. While you suggest a damage mitigation fund in recommendation #4, as currently worded it would not apply to my situation (because you have carefully avoided any vehicle other than ATV's and I have to deal with a full-sized Jeep). Even if you do broaden the definition, you offer no funding mechanism. There can be no solutions without the financial wherewithal to fund each of the recommendations you make. In Augusta, money talks when it comes to new programs before our legislature.

Most of all I am concerned about the third core goal your task force has set. Off-road motor vehicles are engineered, designed and built to be destructive to the land they are used on. It is physically impossible to operate them without doing damage as they are driven. Maine's landowners should not be expected to put up with this destruction which this leads me to my overall conclusion and greatest fear: The damage caused by these vehicles poses the greatest threat we have ever faced to Maine's multi-generation tradition of an open landscape. Our traditional access to private lands is at risk as lands are posted out of defense against off-road vehicles destruction.

What the landowners of our state need is a task force that will address reality...that off-road vehicles are designed to be destructive and cannot operate without doing significant damage. What we need is a task force dominated by the tax-paying landowners, not a task force focused on saving an off-road industry that is out of control.

I urge you to go back, to revisit your goals, and to come up with recommendations that can be implemented by a legislature in these challenging economic times instead of a feel-good laundry list that has no hope of success in the legislature.

I truly hope...and pray...that you will be successful because any other alternative will have a long-term impact on the absolute core of what is special about Maine – the tradition of open access to our landscape to hunt, to fish, to hike, and to enjoy our state is at stake. If we are to save this tradition for our grand children – a tradition that makes Maine different from New York, or Pennsylvania or Virginia where you have to belong to private club to hunt and the entire landscape is posted – you must recognize that the off-road recreational industry is entirely out of control and a very significant threat to the way of life that makes Maine unique and special.

The design of the vehicles promoted by this industry is so destructive that their use needs to be restricted and controlled with great care.

Thank you for your time this evening.

Written Testimony of David Crum

Good Evening. I am David Crum of Augusta, a member of the Statewide Maine Trails Council and a member of the **ATV MAINE** legislative committee designated to speak with you today and ask for the Task Force endorsement of STICKER REGISTRATION system for all ATV's.

ATV Maine supports, as set forth in **LD 370 by Rep Finch earlier this session of the legislature**, the elimination the current use of a metal ATV registration plate. We propose that the task force endorse the use a 4 inch by 4 inch annual registration sticker to be issued each year by the State. Adopting this change can have a clear beneficial impact on several of the issues under Task Force review.

VISIBILITY and ENFORCEMENT:

We have all heard Maine's landowners, local enforcement officers and the Wardens ask for the improved visibility of registration numbers on ATV's. This sticker directly addresses that problem. **The sticker provides the largest registration numbers that can provided for visibility and still meet the requirement of fitting on a visible attachment surface** on the many variations of 2, 3, 4, and 6 wheel ATV's, most of which do not have a manufacturer designed location for this purpose.

The stickers resolve other enforcement problems as well, including a secure fixed mounting to each ATV that stops the sharing of a single metal plate between ATV's to avoid registration fees. Lost plates and re-registration will become a non-issue. Out-of-state ATV visitors can be easily identified as necessary by a clipped corner.

USER REGISTRATION AND EDUCATION:

Adoption of a sticker registration will encourage many ATV owners to register who currently do not. For example, a sticker does not require the destruction of a vehicle rear fender to attach as does the present metal plate. This requirement to drill holes in a very expensive fender is a major reason many dirt bikes are not registered because it significantly reduces resale value of the vehicle. For all ATV's that are both raced in closed course events and also ridden on our trails, safety requirements at the racing events prohibit the attachment of a plate during competition. This is **another reason why ATV registration does not occur because of the constant need to attach/remove/attach/remove the plate before and after events.**

We believe as well that the **FLAG** type registration set forth as an alternative in the draft report, falls into this "put it on, take it off" dilemma for owners. "Take it off" when you are on your own property and "put it on when you are on "trail." The FLAG alternative assumes that ATV's are used primarily on open trimmed trails which is not the case. In our heavily forested state, the tree branches will do quick work on shredding the flags and the pieces of the flag on the ground will become a new and visible litter for public eyes. We believe the FLAG system is not a viable alternative and would fail as an effective visible registration system. A sticker stays attached as demonstrated statewide by milfoil, snowmobile, and boat stickers.

Let's move on. **Another very important incentive for a sticker is that, unlike the present metal plate, a sticker can be easily issued by a ATV dealer at the time of sale.** This change is strongly requested by the Warden Service.

Stickers can be immediate and permanent at the dealer point-of-sale which offers internal controls efficiently through internet and the MOSES registration system. It is expected that this will offer immense

gains in registration compliance. This is in stark contrast to the present system of flimsy cardboard temporary plates that often have to be valid up to 6 months on a vehicle that by definition is used in the rain, is mud splattered, and so forth. Present cardboard plates disintegrate in a few days to the point of uselessness. Very frustrating to a new ATV owner, frustrating to our landowners, a major concern of the Farm Bureau, as well as local and state enforcement and state administrators who issue registrations. The Task Force has the opportunity to take the lead role in ending this frustrating situation for the ATV user community.

A new complete sticker being issued each year is an educational opportunity to be taken advantage of. The sticker is a medium that can clearly deliver educational messages that standardize the placement location of the sticker, and deliver as well annually, a reminder of the basic tenets of a solid Maine ATV program, reflecting respect for our landowners, the need for registration, and the importance of participating in a local ATV Club.

MANAGEMENT AND REVENUES:

The cost of producing a sticker is about the same as the metal plate, however the mailing/distribution cost for the sticker will generate distinct savings because it will be significantly lower.

The sticker clearly encourages present effort to shift input workload from a central based manual system of registration to the MOSES system wherein input information effort and costs are shed to the local government, dealers, and at renewal, to the ATV owners at home.

The last reason we request your endorsement of a plate to sticker system, is that additional revenues can be expected from a new segment of motorized trail vehicles. For example, dual purpose motorcycles with street plates are prohibited by Maine street vehicle inspection regulations, from having two plates on the same vehicle. At this time, they cannot register as an ATV and are unable to contribute to the development of our ATV trail system which they use. With a sticker, that prohibition is gone allowing this new group of trail users to contribute through the ATV registration process.

In closing, the replacement of the current metal plate with an annual sticker has been reviewed and supported by the Maine Recreational Vehicle Dealers Association, the Warden Service, the State ATV Coordinator, and of course ATV MAINE. We sincerely request that the Task Force Report endorse this request to replace the metal license plate registration system with an annual sticker.

On behalf of ATV Maine, thank you for this opportunity to provide comment.

Brief Comments on Recommendations from sign-in sheet.

Lee Harvey, South Portland: "Enforcement!! More Clubs!!"

Joy Harvey, South Portland: "Higher fines! More dollars to DOC"

Mark Graham, Westbrook: "Increase fines for unregistered ATV."

Comments from Sanford forum, Oct. 30, Memorial Gym

Albert Alexandre, Springvale: Supports making age requirements consistent for all recreational vehicles. “I like ATVs. The area that I think that needs to be addressed is the loud exhaust.”

John Andrews, Saco, president of the Eastern Trail Alliance: “People are always asking ‘What about the ATVs? You will never have this trail unless you can manage the ATVs.’ Sometimes they come by 30 at a time. One person told me he was afraid to walk his dog.” On the recommendations, “I think you’ve done a great job. I hope you get the Legislature to support you. I think the people will.”

Bob Cronin, Acton, president of the Square Pond ATV club. On mandatory liability insurance: “I think that’s a slap in the face to all the good ATV riders.” On helmets, “For those over 18, it should be a personal choice.”

T. Parker Schuerman, biologist and land manager, The Nature Conservancy, Kennebunk Plains, Waterboro Barrens, Saco, Mt. Agamenticus. “How do we keep it simple and conserve our enforcement and natural resources? We indicate that trails only marked with official green ATV Go Signs are trails where the mechanized vehicles are allowed. Enforcement should be focused in areas where there are no designated trails and on private property, near wetlands and crossings, etc. Keep it simple. Both the laws and the communication to all users.”

“If the green sign is there, you can ride. If they’re not there, they can’t ride. Keep it simple. The signs are free to landowners from the state already.”

Don Libby, Sanford: “Where did the ATV additional fees go? I support the discount for club members. I just think it would be more fair if we got a better share of the money to enforce all these recommendations.”

Hazen Carpenter, landowner, Springvale: “To me, the biggest problem is what’s happening to the environment. DEP goes to construction sites to inspect for damage, but when a trail of ATVs is crossing a river, they don’t do anything about it. Nobody seems to do anything about what’s happening to the environment. They (ATV riders) don’t stay on the trails. Even if you make the trails, the don’t stay on them.”

Peter Lawrence, an active member of SWOAM, but speaking for himself only: “I’ve been to many meetings where I’ve hear a lot of horror stories.”

In Recommendation 1, questions the meaning of “areas” and “policies.” “That may be fine for large landowners, but with small landowners we either do or we don’t (allow ATVs). I think there should be restitution for damages ... There are a lot of good recommendations.”

Bob Lawrence, Sanford: “I’ve been riding ATVs since 1985. Back then we had a lot of un. We didn’t have a lot of problems. Now the Internet is advertising Sanford as a great place to tear things up. And there’s no need of it. We had the same problems with snowmobiles back in the ’60s. Education and law enforcement are the big things we have to focus on. Make an example of some of these people. Kids 12, 13 years old – they just don’t care. Make an example. Take the parents to court.

“Gray-haired old guys like me don’t tear things up. We’re not the problem. We use ATVs for deer hunting. These young kids – the parents of these kids – why aren’t they dealing with this? Why aren’t the dealers who sell the machines dealing with this? The hooligans don’t join clubs. They don’t have a clue. Those are the ones we have to prosecute, to make an example of.

“Education and examples. We’ve got to make examples of these people. There’s no need of this. I don’t care if we pay \$50 – and I own three ATVs – but the money should go to trails and enforcement.

“Snowmobilers say, ‘We don’t want your help.’ But in Fort Kent, they ride together, work together. They work and they really get along good.

“We have Massachusetts people coming in with loud exhausts. Arrest them. Make an example. The word will get out.”

Susan Ask, York, conservation coordinator at Mt. Agamenticus: “I’m concerned about the number of ATVs. We’re seeing more and more every year. For the past four seasons. I’ve seen more ATVs and dirt bikes. With more of them, there’s more of an impact. Some of the people are very intimidating when I tell them they can’t be on a particular trail, in particular those on dirt bikes.

“Anything related to enforcement is going to help me. Anything that will help landowners with enforcement will help.

“Even when people are riding responsibly there are problems. Even if you’re riding an ATV responsibly through a vernal pool it will cause damage. We have rare salamanders. I think you should add “natural areas” to Recommendation No. 4. And on No. 7, non-forested wetlands should include vernal pools.

“Speaking as a land manager, it just costs more money to maintain ATV trails. They’re wider and have higher maintenance costs.”

Mike Harrison, Lebanon: Street-registered dual purpose motorcycles are not addressed at all. They should be included and terrified...I get to use your trails without paying. Dirt bikes, dual sport motorcycles have street license plates ... I do believe in user fees. That’s why I put that red plate on my bike. The point I want to make here is that you have a whole demographic that you’re not addressing. There are thousands of dual sport bikes out there. Off-road fees are not paid by street licenses...All ATVs and dirt bikes should be taxed and if you want to allow jeeps on the trails, they should pay, too.”

On enforcement, says police drive high-powered vehicles and those enforcing ATV laws need the same. Officers “should be in a higher power, faster vehicle. Two-wheel vehicles are more efficient, they have a lower cost to purchase, a lower cost to maintain and they’re definitely quicker. Take a look at that issue, at the type of equipment. It would give you guys an advantage.

“Another thing you should look into is the Green Vests program. Some clubs in New Hampshire and Michigan have individuals who respond to people on the trails. They work with people on the trails and have a little bit more authority to do so.”

On age requirements: “The laws are there. All you have to do is enforce them. Padlock their machine and send them home.

Warns about a problem with the discount for club members: “What you’ll get is database clubs.

You're not maintaining any trails. You're not doing any work. You're just maintaining a database. So don't allow this. Make sure they are real clubs with work requirements and that they truly add to the sport."

Gary Lamb, Springvale: "I'm bothered by the noise. They're riding along the roads for a half or three-quarters of a mile. They need a plate front and back. I love what I was reading on that paper (recommendations). There was some really good stuff there. I applaud your efforts ... If things don't change for the better, outlawing them may be the next move."

Debi Rix, Acton: "Need enforcement of existing laws, but with much higher fines. Helmets and liability insurance should be mandatory for all ages.

"One of the reason you may see a decline in complaints is the response is: 'Just stop calling us. We don't have anybody to take care of the problem.' Whether it's local police or game wardens, people have just given up.

"I enjoy nature hikes with my dogs. Some ATVers slow down and give us the right of way and other ATVers just fly right by. Many of these recommendations are very good. I think we have to keep in mind that having an ATV is a luxury. You say the fee went from \$13 to \$33. If you can afford a \$5,000 ATV, you can afford \$100 registration fee if that's what it's going to take to solve the ATV problems.

"Mandatory liability insurance is something that's very, very important. These ATVs can do a lot of damage ... If an ATVer goes flying by and kills your \$1,200 dog, you need to have some compensation, not just for the dog but for your pain and suffering.

As for helmets, I think helmets should be required for all ages. They're very dangerous vehicles. If you run into a tree, what's going to happen if you break your neck? Who's going to pay your bills, the U.S. Government? You should wear a helmet. It's a small price to pay.

Thinks more attention should be paid to noise violations and ATVs too close to dwellings, and that law enforcement officers should be impounding vehicles. "A \$100 fine is nothing to these people ... I say it should be an \$1,000 fine and impound the vehicle. They can get their vehicle back when they've served their sentence. Take the vehicle away ... As for kids 16 and younger, they should even be able to be on an ATV without an adult, without a helmet, without a license. We don't make them have a license – make them go and have a license.

Keith Fletcher, Wells Conservation Commission: "Thanks folks, for spending the time on this. Than you for doing this. These are win/win kinds of recommendations. Asking landowner permission might seem like a high hurdle, but I think it's something you need to establish for the riders and the landowners. I think if you establish some sort of relationship – so they know they're not just riding in the wrong place, but they're hurting Mr. And Mrs. So and So. I know this is probably the most controversial recommendation, but I think it would go a long way to relive some of the landowners' frustration that we're hearing about tonight."

David Snyder, IFW safety instructor, moved from northern Maine to southern Maine: "Being in the trenches and listening to the stories of the students and the new ATV owners, ATV Maine and the ATV clubs need help all over the state. We've got to give them a chance. They're the ones who create the trails and they're the ones who give us a place to ride. You've got to give them a chance. Brian's (Bronson) office needs help to go out and educate the clubs and work on the trails. IFW's landowner relations program also is a one-man show. You can't cover the state of Maine. The clubs need help to go to the landowners.

Overall, we as ATVers, as a community, have to start stepping up. Money is an issue. If we want good places to ride not only the government but we as ATVers have to step up and make that happen. If we don't we're all going to be sitting in our back yards.

Stephen Perham, of the Southern Maine Sno-Goers, also submitted written testimony: "What's happened with the Land for Maine's Future? If they develop ATV use in some areas it would take the pressure off other areas ... Obviously there are many factors, but I think that increased enforcement is a factor as well. Our club is not against ATVs. We'd like to work with them, but right now there's no one to work with. "

Susan Smith, regional land trust: On No. 8, define woodlots. Also need to address other off-road vehicles, such as jeeps. Supports No. 15, to research landowner incentives.

Roger Lister, landowner, retired school teacher, small woodlot owner: "ATVs are used for a lot more than recreation ... If I'm using my ATV for work, I don't want to stop every few minutes to put a helmet on. I think a helmet law for an ATV is very irresponsible. When we go riding along we wear helmets, but I don't want to wear them when I'm working. "

Lee Harvey, South Portland, Hollis Freewheelers: "Thank you for the forum guys. The biggest thing for me is education and enforcement. That involves everybody, including the media. ... We need more clubs. We need 10 of these guys (pointing to Brian Bronson). We're trying to get information out to landowners and to riders. ATV club information should be available at the time of registration. (Shows a club flyer). We are moving forward here, but there's a lot of work still to be done. Nothing irritates me more than to hear we have a landowner complaint. 95% of landowners say yes to ATVs, but some say not now. Some say absolutely not. ... Snowmobile and ATV clubs need to work together. We need more clubs, which goes back to 'We need more money.' We need the media to put a positive spin on our sport. The media is the big thing for me. It seems they turn around and make it negative, but there are more good ATVers out there than bad ATVers out there.

Melissa Harvey, South Portland: Says their family belongs to three ATV clubs. "I think it would be better if the state put out some information about where ATVers could ride and the clubs in the area. There should be mandatory safety training for everybody, not just kids 10 and older. There are teens out there who care about being responsible riders."

Larry Ouellette, Lyman: Has 11-year-old daughter who rides. "She's responsible when she's riding because she knows if she's not that machine is going to be taken away and the second time that machine is on the front yard with a For Sale sign ... Parents need to take responsibility for where their kids are and what they're doing. My kid is not going to be out there alone."

Bob Conner, president of Square Pond ATV club and safety instructor: Says they're trying to inform all members about safety and landowner issues. "Our biggest problem is getting landowner permission. That's the most important thing we need from the state – help getting landowner permission. If we have trails, they (ATV riders) will be on the trails... The infrastructure for ATVs is there, but it's not being utilized by the people who need it. The state should come up with ways to help the clubs with the education of the landowner."

Jeff Haskell, Gray: "Require dealers to hand out law books when they sell a machine.":

Written testimony of Amy Linscott

Hi, my name is Amy Linscott. I'm from Gorham. I've been riding 4-wheelers about 3 years on trails with my parents. This year we joined a club and had to take a safety course to ride on club rides.

I've learned that any damage done by anyone needs to be fixed by somebody. Usually that falls on the person who owns the land.

I've also learned that normal riding can sometimes damage the land. In these cases clubs can help. My dad and others have gone out to trails and worked on them so they can be rode on and not be ruined.

If I see someone littering or doing something they shouldn't I know to get plate # if I can, and I pick up the litter.

When I took my safety course, I learned a lot about safety, not only to ride safe, but how to survive if I get lost, never ride alone, help for different injuries. How to protect the environment. How to approach a landowner and more.

If I hadn't joined the club I wouldn't have learned that stuff. I think we need to come up with a way to get everyone to join clubs. I don't want to have to stop riding because there is nowhere to ride.

Written testimony of Jeffrey Linscott, Gorham

"I've been riding 4 wheelers for about 5 years on trails with my parents. This year my parents joined an ATV club because so many trails had been closed down by landowners. By joining this club we learned things we didn't know. We didn't know minors had to take a safety course to cross the road! We'd been breaking the law and didn't even know it. I should not have even been going off my own property, even though my parents were with me.

I've met several kids whose parents have joined clubs. They all have taken the safety course. Most, maybe all, clubs require it to go on club rides.

It's great to go on a club ride with a lot of 4-wheelers, just riding and having a good time. There are rules in every club that you have to follow or else you will be out of the club.

We have also learned to be more protective of our right to ride, make sure there is no littering and help keep trails clean and safe.

If we could get all ATV owners into a State of Maine safety course we could educate people of all the laws and their responsibilities as an ATV rider.

Maybe we could create a law that requires anyone found causing damage or trouble not only receive a fine, but also be required by state law to take the safety course as well as any person or persons riding with them.

Also any minor found riding without an adult present at all times be required to take the safety course as well as their parents and parents should be fined for allowing it.

Written testimony of Jeffrey L. McNelly, Executive Director, Maine Water Utilities Association

Maine Water Utilities Association is a membership organization that represents approximately 125 of the 155 +/- water utilities in the state. We have discussed the **ATV Solutions** report and have developed recommendations for the Task Force's consideration. In developing these recommendations, our emphasis has been on quantifying and minimizing the risks associated with ATV operation.

Like others who have a responsibility to safeguard Maine's natural resources, public drinking water suppliers are often frustrated by the irresponsible operation of ATV's. In our case such activity has the potential to seriously compromise our ability to ensure the secure delivery of a safe potable water supply to the communities we serve.

We have discussed this issue with our public health regulators at the Maine Drinking Water Program and would like to request a minor modification to the recommended statute modification provided in the report, in an effort to more closely reference existing rules and statutes.

Public water suppliers are regulated by The Drinking Water Program within the Department of Human Services (Bureau of Health, Division of Health Engineering) under rules adopted pursuant to the federal Safe Drinking Water Act. These rules define both public water suppliers and, more importantly for your report, the source water protection area around public water supplies as defined in **30-A MRSA §2001, sub-§§14-B and 20-A**:

14-B. Public drinking water supplier. "Public drinking water supplier" means a public water supplier as defined by the federal Safe Drinking Water Act that provides drinking water from a source water protection area.

20-A. Source water protection area. "Source water protection area" means an area that contributes recharge water to a surface water intake or public water supply well for a public drinking water supply. In order to qualify as a "source water protection area," the area must be identified and mapped by the Department of Human Services, and that information must be given to the municipality in which the source water protection area is located.

The Maine Water Utilities Association recommends the Task Force use these rules as the basis for defining prohibited areas, as outlined in Title 12, section 7857, paragraph 22-A. Specifically, we would suggest the following language for paragraph 7 on page 7 of your draft report:

*7. To Title 12, section 7857, paragraph 22-A, "Operating an ATV in a prohibited area," add "rivers, brooks, streams, Great Ponds, non-forested wetlands and **source water protection areas of public drinking water supplies**, except for needed maintenance and management authorized by the landowner."*

This change in language provides a clear reference to and definition of the areas where ATV use would be prohibited, other than on a trail designated by the Department of Conservation. In fact, every source water protection area for public water supplies has been delineated and mapped by the Drinking Water Program and the Maine Office of GIS in accordance with federal and state requirements. That information resides with the municipality in which the source water protection area is located.

Inclusion of such language in the ATV regulations would put ATV operators on notice that unauthorized operation in source water protection areas would expose them to arrest and prosecution. Standard language, such as Public Water Supply Source Water Protection Areas – No ATVs Allowed, could be used statewide to ensure the protection of these drinking water resources.

Thank you for the opportunity to provide these comments for the Task Force's consideration. We are prepared to work with the Task Force and other parties in order to develop and implement regulations that safeguard the state's drinking water resources.

Written testimony of Stephen Perham, President, Southern Maine Sno-Goers Club

As long as there is a snowmobile club in the Sanford area, there is little incentive to form an ATV club here. ATV riders use an estimated 80% of the 31 mile local “snowmobile” trail system, plus many more miles of unmaintained trails throughout the area. They do so with little or no landowner permission, despite extensive attempts to stop their access, without providing any kind of trail maintenance actions, and with little threat from law enforcement agencies.

“The impact of ATV use on the Southern Maine Sno-Goers Snowmobile Club trail system is tremendous. The club and its members spend a significant amount of time and money preparing the trails for each upcoming snowmobile season. The club spends a disproportionate amount of that time and money maintaining the snowmobile trail system due to wear and tear from ATVS. Last season the club reported 310 hours of physical labor performing pre-season trail work. The high ATV use in this area makes it more difficult to maintain good landowner relations and obtain trail use permits. ATV wear and tear on trails is the primary cause of our extensive pre-season work. ATV users are literally riding on the backs of the Sno-Goers snowmobile club when it comes to trail maintenance. Currently the Sno-Goers members are the only ones building bridges, improving ground conditions, and brushing back trails. 99% of ATV users in this area are just that, “users.””

There must be some type of incentive to form ATV clubs. Unfortunately, state funding for ATV clubs apparently is not enough and the only viable incentive may be stricter law enforcement. By forming a club, the group would improve landowner relations, become more educated, become more sensitive to the effects of ATV use and share the trail maintenance burden. For areas such as Sanford, where no ATV club exists, the state funding incentive should be available to the club maintaining the trails, snowmobile or otherwise, in accordance with state requirements.

With or without incentives, there must be pressure applied to form ATV clubs, or suffer stiff consequences. Continued unauthorized ATV use must be met with strong, cohesive law enforcement from all agencies to thwart the unlawful ATV use. Lately there is evidence that the local police department is taking a more active role in enforcing ATV laws. Game Wardens, Police and Sheriff’s Departments must work together to maximize enforcement efforts.

The club was told that Game Wardens are mandated by the legislature to concentrate their efforts on hunting, fishing and trapping. There is a conflict with the increase in all recreational vehicle use, based on annual registrations, and the Game Warden’s mandate. To make matters worse, the shrinking number of Game Wardens reduces their ability to properly enforce any one recreational activity. If the state is going to allow various forms of recreational activities and levy registration fees, the state should provide a proportionate number of law enforcement personnel to enforce the activities.

Brief Comment on Recommendations from sign-in sheets

- **Don Roux, Sanford:** “Need enforcement of the existing laws.”
- **Bob Savage, Limington:** “Please conduct a cost-benefit analysis before building trails specifically for ATVs.”
- **Tammy Linscott, Gorham:** “Need more law enforcement for misuse!”
- **Deborah St. Pierre, York:** “Larger reflective license plates for us non-enforcement people.”

Comments Received by Email

From: Donna M. Bean, Central Maine Power [mailto:donna.bean@cmpco.com]

Sent: Monday, October 06, 2003 11:02 AM

Subject: Comments from CMP on "ATV Solutions" -- Recommendations of ... Task Force

Last week a few key people here at CMP got together to review the list of recommendations suggested by the ATV Task Force Committees.

The biggest concern of CMP is that these recommendations may affect CMP's ability to maintain its facilities in areas where it only has "easement rights" or "pole rights." Although CMP owns the greater percentage of its transmission line corridors, there are corridors where this company does not own the underlying fee interest, but has been granted rights for the construction and maintenance of utility-related facilities over the property of another. Therefore, CMP suggests that in **Recom. #1**, the following language (in bold) be added: "*The Privilege to operate ATVs on a recreational basis on the land of another . . .*"

There will be instances where utility companies, paper/forestry companies, the Warden Service, Emergency Vehicles, etc. may have to cross land of another in order to maintain their facilities or perform their services on behalf of the public.

I recall that we had a discussion at the ATV Task Force Committee meeting on Sep 18th about language to be added to the recommendations that would exclude application of the recommendations to ATVs used for purposes of utility maintenance, the forestry industry, public service, etc. Therefore, CMP further suggests that the intent of the collective recommendations be specifically for **recreational use** of ATVs.

Also, in **Recom. #1**, the word "authorized" needs to be defined.

Other suggestions by CMP are as follows:

Recom. #4 -- "Establish a dedicated fund for damage mitigation to be used for repair of environmental damage or to reimburse . . ." Also need to stipulate the specific source for this fund.

Recom. #6 -- Mud season closure should apply for **recreational use only**. CMP would object to the additional task of having to approach individual municipalities in order to obtain permission to use ATVs for its utility-related work during mud season closure.

Recom. #10 -- CMP routinely uses "cleated tracks" as a means of protecting the environment while using ATVs and does not want to see these outlawed. As long as 1-inch deep treads are beyond the standard factory-authorized treads, CMP is in agreement with this recommendation.

Recom. #11 -- CMP uses ATVs purchased direct from the factory and assumes that these vehicles meet the 96 DBA 20-inch test suggested in this recommendation. As long as this test measures beyond specifications for standard factory-authorized equipment, CMP is in agreement with this recommendation.

Recom. #25 -- This recommendation brought to CMP's attention the fact that our company needs to be mindful of any possible liability attributable to this company arising from possible accidents occurring as a result of ATV riders running into utility poles and guy wires. Could CMP be sued and held liable for injuries or deaths resulting from ATV riders running into these facilities -- even though CMP's license states that all trails must be at least 15 feet away from all such facilities?

Additionally, CMP does not want the driver's licenses of its employees to be penalized by laws that affect the ability of CMP to perform its routine installation and maintenance activities while operating ATVs.

Recom. #27 -- Should mitigation fund be included in this recommendation?

Recom. #32 -- Development of multi-use trails **should be subject to landowners' policies and community concerns**.

Recom. #36 & 38 -- Are both of these to be mandatory? CMP provides in-house training for ATV operation. Will company-sponsored training be recognized under these recommendations?

Recom. #43 -- Need to define what "other" laws are.

Another concern for CMP is that many of its transmission line corridors have locked gates to prohibit access. If there is a policy/law developed to allow the Warden Service to pursue ATV violators across private

lands, how would that affect CMP's gate system?

-----Original Message-----

From: Angie Zimmerman, Winnegance Wheelers President, ATV Outdoor Education Instructor (cberrypt@gwi.net)

Sent: Monday, October 06, 2003 6:41 PM

Subject: safety, education and law enforcement

To hum it may concern,

I am a local ATV club president as well as an active ATV safety instructor in the town of Phippsburg. I and many other instructors have worked very hard in the last year to train over sixty students, over half of which were children under the age of eighteen. We work hand in hand with the local and county law enforcement to educate young offenders using deferred prosecution. Upon completion and passing of an ATV safety class. To date this has been a good, unwritten, cheaper and more efficient use of time by those who are involved. This is not a choice all offenders choose but nonetheless is a step in the right direction.

My comment has to do with just that, safety/education/law enforcement and what we can do to influence all adult riders and require all youth riders to take a safety class. Yes we do presently have laws regarding these but could we stiffen them? Yes the majority of instructors are like my self volunteers, would that be too much of a stress on them to educate the ever-increasing population of riders? And the lingering question on ATV education is, can we do more hands on training as our counter parts at the ATV Safety Institute provide their students?

My feeling is this; we need to spend more government moneys on education. Requiring proof of education within so many days of registering ones first ATV. Hiring a team of instructors to insure all riders not only know how to ride safely but also know the laws and respect the land and their owners.

-----Original Message-----

From: Todd, Fred [mailto:Fred.Todd@maine.gov]

Sent: Monday, October 06, 2003 1:52 PM

Subject: ATV report recommendation # 25

This report includes a recommendation that signs be developed for LURC remote ponds regarding ATV use. Not sure if the drafters were aware of the sign Dave Peppard and LURC developed a few years ago for this purpose or if this sign was now considered inadequate.

Frederick W. Todd, Manager
Planning and Administration
Land Use Regulation Commission



-----Original Message-----

From: Ernie Hilton [mailto:ehilton@tds.net]

Sent: Wednesday, October 08, 2003 5:57 PM

I won't be coming to any of the public meetings on your ATV Task Force report. However, as a landowner of 650 acres in Starks, Somerset County with probably one and a half miles of established, numbered and maintained snowmobile trail, most of which I had already built and established, and another five or six miles of bridal trails all of which I built, along with bridges, etc., and all of which has streams, wetlands, and soft,

highly erodible soils (sands and clays), I find it extremely disturbing to find ATV damage when I go out. All of my trails have been posted for years specifically against ATV's, and though the damage has not been great thus far, I can see the day coming when a couple of testosterone and/or alcohol-poisoned young fellows set out and in the course of a couple half hours do a lot of damage. I don't personally hunt, fish, own or use a snowmobile, or own or use an ATV. My land is not and, I hope, never will be, generally posted. I freely allow anybody who wishes, without asking my permission, to come and walk, fish, hunt, ride horses, snowmobile or engage in myriad other activities of their choosing. But I can not and will not tolerate ATV's.

I would propose the following as a measure of self-help for landowners:

The technology is developing and may already exist whereby battery operated remote video cameras can be placed in the woods along trails. I would propose the state investigate the status of the technology/feasibility of their use and purchase a number of them. When a landowner reports a problem, simply install a system and wait a few days, download the video (low quality, very low frame speed, similar to what you would find at bank ATM's) and see what it shows. With the right materials for front and rear license plates or other identifiers it should show up on the video and one would have a great tool for tracking down these folks. As an alternative, simply subsidize landowner purchase of them.

-----Original Message-----

From: Harold Morrissette, NHATV Club Safety Coordinator, Londonderry, NH (Born and Raised in Northern Maine had to leave to make a living.)

Sent: Wednesday, October 15, 2003 8:51 AM

I have read your recommendations pdf file and found a lot of good points. One thing I do disagree on is the mandatory insurance. I own a camp in Northern Maine and I snowmobile and ride my ATV up there every year. The concern I have with required insurance is that as an owner of both OHRV's I have insurance on the ATV but not on the snowmobile.

The reason is not by choice but by the insurance companies. You see I leave the snowmobile up there in my camp in Maine year round. Because I do this I am told by the insurance companies in Maine that I must be a resident to insure my snowmobile in Maine. The NH insurance companies say I can not insure my snowmobile in NH because it is stored in Maine. Sort of a catch 22.

This problem gets worse in other states that have no insurance companies to insure ATV's. Another note with the increased non resident fee passed this year I feel that you chased away the non resident family riders who vacation in Maine. An example a family of four would have to pay \$272 just to register in Maine for a week vacation. One thing we did here in NH was allow the child's machine 90 cc and under to be unregistered if accompanied with an adult who is registered.

The single 20-year-old riders who tend to ride more aggressively did not care about the increase and paid it. I believe that this action invited the rowdier crowd to go to Maine and not the kind of people Maine enjoys having.

I will still pay the price as I own property up in Maine and take all my holidays and vacations up in Maine so the cost is justified for me. Thank You

-----Original Message-----

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: grammatical corrections to Task Force recommendations

Good evening, Reading through the ATV Task Force recommendations, I noticed that several of them begin with the word "**insure**", rather than the correct word "**ensure**". "Insure" is most commonly used in reference to insurance or insuring against loss, while "ensure" means "to make certain"... Not a big deal, and the meaning is clear regardless of the word choice, but in a formal public document (like these recommendations) I hate to see semantic misconstructions...

Thanks for your time,

Tahd McGinnis, Milwaukee, Wisconsin (formerly Presque Isle, ME!)

-----Original Message-----

FROM: Nancy Welch, UMF -- Upward Bound, Farmington

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: ATV Regulations

ATV owners should have to request and carry—on their person-- written permission forms from landowners willing to allow access to their property. It should not be up to the landowners to have to post/fence or use other preventative methods to deter people from playing on or crossing their property. I don't play in their yards, and I don't want them playing in mine. If they want to buy the toys, they should first know where they may or may not play or ride them without offending others. I am bothered by ATV owners frequently and tired of chasing them off my property. It's time that law abiding landowners/tax payers get a break. ATV operators should not have more rights to our property than we do ourselves.

Thank you for listening to my thoughts.

-----Original Message-----

From: Roy N. Doucette

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: Meeting at the Presque Isle Forum

Gentlemen

I agree with several recommendations you are proposing with the exception of a few:

1. Requiring written permission. I do not want to ride around with a binder full of signatures. I am a land owner, 100+ acres and I will not give everyone written permission. Word of mouth is sufficient.
2. Mandatory liability insurance for ATV's. Do you realize how much this would cost a family with several ATV's. They will not register their ATV and take a chance of not being caught. I will not register mine and just use it on my land. Is this done to ATV's and Boats? This is targeting the ATV's. I will post no trespassing signs on my land to ATV's and snowmobiles.
3. Making ATV violations count as points against your driver's license. Again, is this done to Snowmobilers and Boaters? You are segregating ATV's.

I have had some damage done to my farm but I have found who it was with the help of the ATV club and restitution was made. Young kids!! I let ATV's cross my land where the snowmobile trail is. Thank you

-----Original Message-----

From: *Buddy Gardner*, STS Database Manager, East Tennessee Cardiovascular Surgery Group, P.C.

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: ATV Goals and Recommendations

I applaud your efforts in regards to trying to set up your ATV Trail systems. I can only hope you accomplish these goals while not losing focus of the overall scenario.

First of all, being an ATV enthusiast for 16 years, I can offer some or a lot of insight and maybe leave you with a comment that will hopefully ring true when it's realized.

Secondly, I am not, in anyway being negative about your efforts, they are commendable.

Requiring landowners' permission to operate an ATV. Permission is presumed only on authorized trails or riding areas;

- Offer incentive to landowners to create more areas, less problems. More Areas, more money.
- Mandatory liability insurance for all ATVs; There is a likelihood, that this in and of itself, could spell major problems. Most ATVs are valued so low, that it's not worth carrying insurance. Secondly, what about out of state riders, will they or will they not be held to this?? Answer is they should NOT be... nor should insurance even be a consideration.
- Higher fines for ATV violations, including a mandatory \$1,000 fine for failing to stop for a law enforcement officer; I agree 100% about the failing to stop. But be careful about setting up what constitutes a violation, versus what could be considered just juvenile behavior. Keeping clear and concise differences so that everyone is informed as to what IS allowed, and what IS NOT allowed.
- Establishing a damage mitigation fund to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted; If executed properly, there should be a clear distance between any problem areas, such as crops, and orchards. Furthermore, it would be poor planning if trails came close to said areas. Lastly, a mitigation fund sounds like a farmer has his hands in a politician's pocket, looking for some monetary assistance every year when farmer Brown claims that ATVs destroyed his crops and his orchard. This section needs less politician and farmer input and more reality, more up front planning, and assuredly more thought before action.
- Making ATV violations count as points against a driver's license and an ATV OUI part of a driver's motor vehicle record; I agree 100% about operating under the influence, and that violation SHOULD bear weight against a driver's license. As for other minor violations, such as speeding, and trailblazing (defined as making your own trail, or making trails off marked trails) should not bear weight against a road permit, when it should bear more weight against their pocket book, or bank account.
- Making any violation of a criminal ATV law result in automatic impoundment of the ATV; I

have never heard of the use of an ATV in a criminal act, but if so, the ATV SHOULD be impounded.

- Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level; Mud is what attracts some to the sport of ATVing. Adversely, if you close during a 'mud' season, you will undoubtedly lose money, and motivation for land use, which will cause more harm than good. Alternatively, have an area, that is specifically FOR mud, and the opportunity to play in the mud will turn out more people than you could envision.
- Encouraging increased ATV enforcement by creating a three-tier grant program, available by application to all law enforcement agencies in the State; This sounds good, but too much of a good thing can lead to problems. FYI
- Encouraging membership in ATV clubs by offering a discount registration for ATV club members; This idea was tried in TN and soon found that the low area fees of \$10 were not able to be discounted anymore to add value to the discount. Encouraging membership is a great thing, but only so much can be done, discounts or otherwise to encourage the sale of permits.
- Distributing state ATV revenues in the same categories as snowmobile revenues: to the Inland Fisheries and Wildlife Department for law enforcement and safety education; to the Conservation Department for trail grants and equipment; to Maine towns, in lieu of excise taxes. Kudos to you for this whole initiative...

In Tennessee, we are very outspoken about our ATV areas, we help keep them open by supporting their efforts, giving feedback when asked, and even when NOT asked. We maintain our trails, we pay for the use of our trails, and above all, we respect the trails. If it were not for the people making the efforts for us to have places to ride, we would not own ATVS.

I'm a member of several ATV clubs, in TN and WV. In each club, we have responsibilities that include maintaining trails, meets and events, and collecting our own money. We do pay for land use, we do have legally binding waivers that are signed, we work closely with the land owners to safeguard any problems that may arise, the WV club has a person who is in charge of landowner disputes.... Just last April, a land owner complained that an ATV went thru the backside of his property, and did damage. When it was investigated, we learned that the farmers OWN SON, had taken it as a shortcut, from the pasture to the barn and done the damage himself with his tractor...

ATV sales are skyrocketing, and it would be a shame if Maine took too strong of a stance against ATVs, or enacted legislation that is too stiff with penalties, and had too many LEO (Law Enforcement Officers) standing around to intimidate users. There is always a way to add a law or restriction, but it's always harder to back up and undo some already in place act. My honest opinion would be that your recommendations are well on their way to being put in place, but some really need a dose of reality and some just need to be thought about instead of done...

If you have any comments or questions, please feel free to contact me at anytime.

-----Original Message-----

From: ATV Taskforce [mailto:ATV.Taskforce@maine.gov]

Sent: Wednesday, October 15, 2003 8:51 AM

Dear task force, I'm aware you have your work cutout for yourselves trying to make everyone happy ! I've been an avid snowmobiler all my life and in my mid 40's mind you, anyway I got into atving this year as a first

for me and enjoy it a great deal, clubs have been great and most people great also, some people (landowners) for example are not pleased one bit do to property damage which I completely understand as I am a landowner also and to what I see on the trails is young people springing up trails, going where they shouldn't be and showing off to there friends with no regard to what they've done, been there , seen that ! my question is if there going to make it mandatory insurance and drivers license for driving atv convictions with fines and jail time potential, with these young people with no license, no insurance, and sometimes no registration either! we who pay taxes, pay insurance, keep are license in good standing because we need to are still going to pay the ultimate price for those who don't or can't !!

-----Original Message-----

From: Mark DiChiara, Newington, CT / Salem,ME

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: Suggestion

I have reviewed the task forces conclusions and recommendations concerning ATV use in Maine. There is one issue which I did not see addressed. The complex procedure which is required in order to have an ATV properly registered. As a non-resident with a family home in the western mountain region of Maine I have experienced this problem first hand. The procedure for registration is similar to that of registering a car. A non-resident who decides to come up for the weekend on short notice does not have the ability (as far as I know) to stop in a local ATV shop pay for a registration and start riding. Unlike a snowmobile registration where you can pick them up immediately or even pay on-line and have them mailed out. The state is missing out on a large amount of money because of this bureaucratic policy. I know of many people who have ridden without registrations because they simply did not have the ability to get registered. They would have gladly paid for a registration if it were convenient and readily available. The state really needs to stream line the registration policy to mirror that of the snowmobile registration process.

-----Original Message-----

From: Patrick Dalton, Mechanic Falls

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: Comments on Recommendations

I have some comments I'd like you to read.

1. I really think the most important issue is developing a "high-quality trail system to take multi-day rides". I have been to the "Turner Property" riding a couple times. Nice trails, but only 15 miles. If people have access to trails like Snowmobilers do, this would solve many problems. ATV clubs have developed some trails, but that is another issue I will address.

2. ATV clubs really need to try to recruit more. Most people don't know ATV clubs exist. I have had a bad experience with a club in the past. I wanted to join, but they didn't really show me any interest in my membership. Never got a newsletter, phone call, or an email. But they sure did cash my check though! I asked for my money back, and I didn't even get an argument to try and keep my membership. I realize clubs are small, and don't have resources to treat you like a customer, but I expect something. Otherwise, why join?

3. Dirt bikes. I know by law in Maine Dirt bikes are considered ATV's. However, lot's of clubs don't. I don't race, I like to trail ride. I think clarification on this matter is necessary.

4. Sound decibel limit. I think 96 db is too low. I have concerns that my dirt bike will not pass this, but I have a factory exhaust. I don't think it's too loud, but I have heard from other owners of my bike, that it will not pass 96 db. If you have a factory exhaust, that should an exception.

5. Violations effecting driving records. I am personally not opposed to this. However, what if you don't have a driver's license? Does this mean that you need a driver's license to operate and ATV or Dirt bike? You

should clarify this.

6. Snorkel kits prohibited. I think this is great! I also think that aggressive tires with more than 1" of tread is a great idea to prohibit. I think these are the majority of the offenders, as far as tearing up peoples land. These people go out looking for mud bogs. The mud bog at the "Turner Property" is a great example of this. I think mud is horrible. I hate it and avoid it at all costs. It's bad for the machine, and very tricky on a bike.

7. Automatic impound of ATV when breaking criminal ATV law. What is considered a "criminal ATV violation"? This sounds harsh.

I think additional law enforcement is necessary, but that document is full of new ways to catch people. I think there is just too much of that. You're going to scare everyone with all the law enforcement talk. Especially with the "Strike Force". What is this? Delta Force? If you give people more places to ride, they will probably stay out of trouble. Drinking and riding should be prosecuted to the fullest extent though. That's just stupid.

Overall, I'm very excited about what I have read. I will be looking forward to attending one of the meetings. Thank you for reading.

-----Original Message-----

From: Thomas E. Breton, Mechanical Designer, The Baker Company

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: comments

Hello All,

I just wanted to offer up a few suggestions, having been in Law Enforcement in this great state I can empathize with the problem that we are all facing today. In the same regard being the owner of 3 ATV's I also see the impact that a few undesirables are having on the whole sport. This task force is a good start and from what I have read has some good ideas, but here are a few more things to think about:

- 1.) The purchase of my ATV's was primarily for hunting and fishing and given all the fees charged to hunt for this or that as well as the registration fees for said ATV's I would recommend that there be some sort of provision for hunters and their ATV's
- 2.) With individuals from out of state coming up here and not having any concern for what type of damage they do they should at least pay a hefty registration fee.....far more than they now do.
- 3.) Registration number should be similar to boats...Large numbers that can be easily read.
- 4.) Wardens or local law enforcement need to spend time on the trails not the parking lots ! I know this is a man power thing but the violations occur in the woods people not the parking lots. I bet there are a few wardens or others that would not mind riding the trails for a day.
- 5.) Performance pipes should not be allowed ! Excessive noise regulations apply to motor vehicles and motorcycles they should with ATVS as well. Save the baffle-less performance pipes for the track!
- 6.) Set up class days similar to what the forest Dept uses for fires.....Only for the snowmobile trails. With common sense there is no reason an ATV can not ride on a packed frozen snowmobile trail with out doing damage. Snowmobile clubs and ATV clubs need to work together and not against each other. Not all of can afford an ATV and a Sled and I for one am sick of the attitude me and my family are confronted with while riding in the winter on a dual use trail. Most of the time from people a few states south belonging to a snowmobile club. (Man...I hate flatlanders LOL).
- 7.) Set up some sort of club sanctioned trail monitors state licensed to ride the trails and monitor not confront violators equipped with some sort of communications to report violations to Law enforcement. Record registration numbers and be able to testify in court. This could be accomplished very inexpensively
- 8.) Make the person the ATV is registered to responsible for the actions of those riding his or her ATV !

Just my 2 cents. Thanks for your Time.

-----Original Message-----

From: Jim Hagar

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: atv's

My name is Jim Hagar of Oxford, snowmobiler and landowner, with snowmobile trail on our property. I have been active as a club member, trail maker and maintainer for around 18 years, snowmobiler for 25 years. I've seen first hand what an erosion force wheeled vehicles can be. Trails that were well vegetated slowly lost out to eroded ruts, exposed tree roots and rocks. 4' run-off/ water crossings, in the woods and fields, turned into 16' wide swamps and/or mud holes in the trail that are sled damaging since they tend not to freeze over as well as they once did. I believe that the evolution of road travel has showed us that wheeled vehicles belong on pavement with ditches to control the run-off and erosion forces. I support the goals that the task force calls for, but somehow dune buggies and other off road vehicles need to be figured in. I wish I could be at the forum Thursday, but hearing loss issues generally render such events not practical to attend. Thanks for your time, respectfully submitted.

-----Original Message-----

From: Sally & Don Merchant, Spruce Head, Maine

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: Protecting landowners from damage caused by ATVs

I am glad to see that this problem is being addressed. My husband and I own 120 acres in Tree Growth in South Thomaston. ATVs are a large and constant problem on this property. There is a woods road / tote road running the length of the property. (over 5000 ft.) The road is posted for no motorized access on both ends and a closure on the Route 73 end. They pay no attention to this except to remove / shoot up / or damage the signs in other ways.

A particular problem is the stream crossing. It is in a terrible state. When we had a forester oversee cut on this land a few years ago the contractor doing the cut installed a temporary bridge at the crossing. If that kind of erosion and silting had been caused by logging we would have been fined by the State.

I'm not sure how much can be done through safety and awareness programs because it seems to us that a large majority of the ATV riders are confirmed scofflaws. How do you reach people who would buy such a dangerous toy for such young children as we see on these things. Manufacturing small ones for young riders and ones with so much horsepower that can travel at such dangerous speeds could just be forbidden to be sold or brought into the State of Maine. Perhaps it could be required to fill out a form on purchase specifying where one expects to ride the machine. Very few seem to be owned by people with their own land to use them on or with a real use for such a machine.

-----Original Message-----

From: Garry Hinkley, Manchester, ME

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: ATV Task Force Recommendations

As an avid off-road biker, hiker and cross country skier, I wish to commend the Task Force, and offer support for their recommendations. I would like to endorse two recommendations in particular: the seasonal trail posting, and the mandatory liability insurance requirement.

The trail damage done in the spring by ATV's ruins the trails for other users, and can cause real safety

problems for bikers, horseback riders, and others. The deep ruts created by early springtime ATV riding permanently damage the trails, and pollute streams. As the ruts deepen, some ATV riders go around making the damage worse. In addition, I have personally witnessed ATV riders who purposely churn up the ruts to see how much mud they can fling.

I also strongly endorse the liability insurance requirement. On several occasions, I have been run off the trail by irresponsible ATV riders. ATV riders should be required to carry the same level of insurance as automobile operators. Insurance must be a condition of registration, and must not be allowed to be cancelled while the registration is valid.

Thank you for your consideration.

-----Original Message-----

From: Peter Williams

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: Destroying Beautiful Schoodic Mountain

Over the past five years I have been witnessing the erosion and destruction of one of the two trails leading to the top of Schoodic Mountain. The solution is extremely simple. Let those citizens who wish to gain access to the summit do so by walking. No individual should be allowed to drive up either trail on Schoodic Mountain in an automobile or an ATV. Please understand that I have no political agenda or any attitude against ATVs or trucks, or those who own and enjoy these vehicles. I strongly think and feel that this mountain, or any of Maine's natural environment should ever be destroyed by motor vehicles.

I have hiked this particular trail many times and am now shocked at the damage that has taken place in such a short time. At the present rate of use by motor vehicles not only will the trail safety be compromised (which it already is), but the natural terrain will lose its integrity and serious erosion will continue. This is so preventable. As a resident of Blue Hill I contributed funds for the revitalization of Blue Hill Mountain. With the help of the citizens in our area, the Maine Recreational Trails Program, Trail Master, Lester Kenway, the Maine Conservation Corps, the Blue Hill Heritage Trust, . Astbury and Son and Friends of Blue Hill Mountain the restoration of the trails have begun to restore this beautiful place from attrition. This damage was mostly only the result of foot traffic, as motor vehicles are not allowed on this property. The point is that a lot of concern resulted in saving this mountain from further damage.

I urge the Taskforce to please consider the health and vitality of our most precious resource, Maine's natural elegance and awesome beauty. To witness trucks and ATVs devastating this natural wonder is both sad and shameful. Again, I am not against motor vehicles for sport. They simply do too much damage on Schoodic Mountain.

I hope you can help, or steer me in the direction where something productive can manifest to preserve this sacred mountain.

-----Original Message-----

From: Dana Little, Auburn

Sent: Wednesday, October 15, 2003 8:51 AM

Subject: ATV laws

I live in Auburn near Mount Apatite park, a city park. The park is clearly posted with no ATV signs. Repeatedly ATV's run through the park causing tremendous damage to the trails ruining it for hikers and bicyclers. The people who ride are sometimes responsible adults who leave politely when asked. But much damage is done by young riders and ignorant adults. When the police are called the riders are long gone and the damage done. Furthermore our city police have more important things to do than to be disciplining ATV

riders. I have the following recommendations:

1. ATV's can not ride on trails unless specifically marked ATV trail. All marked ATV trails will be regularly maintained to control erosion and damage to plants. Rationale: the damage to the trail is too great from unrestrained ATV use. Maintenance of the trail to control erosion will be the landowner's responsibility if the landowner allows ATV use.
2. ATV's should not be allowed on public land. They are noisy, polluting and scare the wildlife. Their use is offensive in a state that is trying to advance itself as a beautiful place to live or visit.
3. Damage done by unauthorized ATV use should be paid by a fund which is supported by a yearly sticker fee paid by all ATV users (similar to the invasive plant program sticker for motor boats). The fee would be adjusted yearly to cover projected costs based on prior year experience and number of registered users.
4. Raise the minimum age required to drive an ATV to 15. Children should not be allowed in public places driving motorized vehicles which can strike and kill themselves or other people.
5. Require licensing of all drivers of ATV's, similar to motor vehicles. Helmet use should be required to prevent brain injury (at least for children under 18).
6. Ninety-six decibels seems excessively high, automobiles produce much less noise than this, we should not allow ATV's a lower standard, they are operating in normally quiet places. As technology improves we should further lower the maximum decibels allowed.
7. Purchase of an ATV should require passing licensing (or a safety course), registration of the ATV should occur at that time with payment of the yearly sticker fee.

-----Original Message-----

From: Sheehan, Humphrey, ADM, Strategic Initiatives, Public Safety, New Brunswick, Canada

Sent: Wednesday, October 15, 2003 2:10 PM

Subject: ATV Task Force Recommendations

I've now had a chance to look at Maine's Task Force report and offer the following comments.

What I liked:

- Mobile Strike Force for enforcement in problem areas. This makes sense and could be highly effective.
- Impoundment of vehicles. Again, this is appropriate under certain circumstances and we do not have that provision here in NB as far as I know, and I believe it could be an effective deterrent.
- Training of enforcement officers. This makes sense and we need to do more of it here as well.
- Mandatory training increasing with age over time. I believe this is very useful and eventually will capture all riders unlike our provision that is limited to those under 16.

What I found unusual:

- That helmets were not mandatory. They are in NB and they do save lives regardless.
- Advocating multi-use trails. While the ATV people here are for it, both snowmobiles and the walking/hiking/skiing crowd are totally against it here, and I cannot foresee the day when we would see this happen. Mind you, we have more alternatives with 50% of land being Crown owned so trails can be built almost anywhere.

Hope this is useful. Will be following developments south of the border closely. Thanks so much for sharing this material with us. I discussed your report at length yesterday at our ATV Safety Committee meeting.

-----Original Message-----

From: Adam Olmstead

Sent: Wednesday, October 15, 2003 7:11 PM

Subject: Atv Law Proposals

Hello, I am an avid Atv'er that lives in Caribou. I am emailing you because I feel the need to from what I just read in my local newspaper. I just recently saw an article in my local newspaper titled " Governor's ATV Task Force schedules four public forums". I started to read the article and was getting very concerned and felt that I needed to voice my own opinion along with the other people that will also do the same as I am. I enjoy Atving very much, as I go almost every day with friends and family. Some of these proposed laws that I read would basically ruin this sport and make it hardly worth to Atv anymore. I've done my research over the past few years and according to my research, atving has become much more popular than snowmobiling and any other sport. My question I have to ask is, why would the state want to put all these laws into effect and basically ruin the sport of Atving and take the "fun" out of it? This sport greatly helps out the economy and also helps the population of the state. I know myself, I spend quite a bit of money each year for Atving at local businesses and other local places. If these proposed laws passed I know for a fact they would only cause trouble for the atv world and the atv population would decrease rapidly. I feel that the current atv laws are very good and get enforced very well. I simply see no need for these "extra" laws to be passed and put into effect. Thank you for taking the time to read this email as I appreciate it very much and hope my opinions will help change the final decisions.

-----Original Message-----

From: Peter Garrett, Winslow [mailto:petergarrett@eggi.com]

Sent: Friday, October 17, 2003 5:55 PM

Subject: Comments on ATV Task Force recommendations

I understand that the Task Force has made recommendations that will shortly be put before public hearings. Because I will not be able to attend those public hearings, I would like to make my views known in my role as a landowner.

Though it is difficult to comment on all the 46 recommendations, because I could not find them posted on your web site, the following are my comments on the 10 that have been posted. Below I list them, in priority order, with my comments. The first one is by far the most important, and could be structured so that it provides a source of revenue for later recommendations, especially #8.

1. Encouraging membership in ATV clubs by offering a discount registration for ATV club members; This is easily the most important issue. As I see it, ATV clubs help to organize the sport, to educate those who purchase ATVs, to close trails in spring season, to get permission from landowners, etc. My recommendation would be for a significant discount, or alternatively for a significantly higher registration for non-members (so that the State collects extra money, not less).

2. Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level; This is vitally important. As a landowner, I am desperate for this being not only authorized, but mandated. I understand that clubs perform this posting as a service to landowners, which seems like an ideal arrangement.

3. Requiring landowners' permission to operate an ATV. Permission is presumed only on authorized trails or riding areas; Yes. Clubs always get permission from landowners. If I were to be walking/biking on my land, and I come across an ATV rider I want the authority to ask for whether he has permission and to say that it is against the State law to ride without permission.

4. Mandatory liability insurance for all ATVs; Sounds like a good idea. I have to have it for driving a car.

5. Higher fines for ATV violations, including a mandatory \$1,000 fine for failing to stop for a law enforcement officer; Yes. The law must have some teeth like this.
6. Making ATV violations count as points against a driver's license and an ATV OUI part of a driver's motor vehicle record; This is a good idea also.
7. Making any violation of a criminal ATV law result in automatic impoundment of the ATV; Another good idea.
8. Distributing state ATV revenues in the same categories as snowmobile revenues: to the Inland Fisheries and Wildlife Department for law enforcement and safety education; to the Conservation Department for trail grants and equipment; to Maine towns, in lieu of excise taxes. This is OK, so long as it does not increase taxes. Clubs are very clever at cost-effective ways to construct trails.
9. Establishing a damage mitigation fund to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted; I am not in favor of this one, not because I don't want my land mitigated, but because State oversight of such mitigation will be very expensive, and will add to everyone's taxes. ATV clubs, on the other hand, are very good at finding low cost methods of trail repair.
10. Encouraging increased ATV enforcement by creating a three-tier grant program, available by application to all law enforcement agencies in the State; Sounds like another expensive program.

-----Original Message-----

From: Arthur Ingersoll [mailto:artatmousan@earthlink.net]
Sent: Tuesday, October 07, 2003 11:31 AM
Subject: ATV TASK FORCE

HI

I JUST READ THE TASK FORCE'S FOUR GOALS AND THEIR RECOMMENDATIONS I AGREE WITH ALL WITH ONE EXCEPTION I DON'T BELIEVE MANDATORY LIABILITY INSURANCE FOR ATV WILL DO ANY THING TO HELP OUR PROBLEM IT WILL ONLY BE A BOOM TO THE INSURANCE CO. AND TAKE MORE MONEY FROM THE ATV RIDERS

SEE YOU IN SANFORD OCT 30

THANKS, ART INGERSOLL TRAIL MASTER FOR SQUARE POND ATV CLUB IN SHAPLEIGH.

-----Original Message-----

From: Jeffrey R. Glover [mailto:pitcar@nni.com]
Sent: Monday, October 20, 2003 5:52 PM
Subject: Re: ATV Forums Request

We need reciprocity between NH and ME!

Pay a fee in either state and your set. Tell the states to stop bickering and realize that we ATV'ers can spend lots of \$\$. I just spent about \$85 in NH and \$135 in Maine on trip last weekend! All ATV oriented or while using it. You may submit this request on my behalf. See attached photo of us (Maine friend and I) on Mt. Washington. The way to see it!

-----Original Message-----

From: Jason Johnson, Unity [mailto:johnsonjake@juno.com]

Sent: Monday, October 20, 2003 3:10 PM

First off I would like to thank all the members of this Task Force for their time and effort as I think many of us ATVers realize that there was and is a problem with ATVers that needs to be addressed. I believe this Task Force has offered some possible solutions to some of the possible problems. I also want to say in advance that I have no doubt your Task Force will receive a wide range of opinions on this Task Force's suggestions . . . please take all comments with a grain of salt.

However, since I cannot attend the scheduled forums I have decided to send some of my personal views in regards to some of the proposals. I truly hope that these views (as well as other views expressed by ATVers in letters, e-mails and in person) will be reviewed and considered. I hope the forums, letters and e-mails will be a forum for an exchange of ideas and a search for a compromising solution to the problems of widespread ATV use in Maine.

In any case here are a few comments regarding some of the proposals . . . in no particular order.

For what it's worth here are my thoughts on the topic. I definitely agree with the mud season closure. As a ATVer/Hiker/Snowmobiler I've seen the damage that ATVers can do to a trail in early Spring. However I don't think you can put a blanket date on this by saying all trails are open by June 1st or April 15th or anything like that since different parts of the state dry out earlier than others. I also think that people should be able to ride on their land or land of others with permission during mud season, but trails should be closed until the ground firms up a bit.

Requiring landowner's permission to operate an ATV . . . sounds like commonsense to me, but the fact is I'm not sure how you could enforce this. Does the game warden/police officer have to check with the land owner or do we have to get permission for every land owner that we cross and if so, can it be verbal or written?

Mandatory liability insurance for ATVs . . . If I have to get insurance I will, but I just hate to pay out more money. I would also like to know how much a policy would cost, who would provide the policy, etc. This is one policy that I really do not care for . . . in addition it seems that such a policy should also apply to other outdoor activities such as snowmobiles if this suggestion is ultimately implemented.

Higher fines for ATV violations including a mandatory \$1,000 fine for failing to stop for a law enforcement officer . . . Is this such a problem that it requires a \$1,000 fine . . . of course I suspect that if someone was on an ATV and knew the trails there is a pretty good chance they could get away anyways. However, as a law-abiding member of the public I personally don't have a real issue with this suggestion.

Making ATV violations count as points against a driver's license . . . wait just a minute. If this is the case, why don't we make snowmobiling violations, riding bicycles without helmets and jaywalking count as points against the driver's license. I'm a more-or-less abiding ATVer and good citizen (OK, I do speed some . . . er, often), but this seems unusually unfair to ATVers.

Making any violation of a criminal ATV law result in automatic impoundment of the ATV . . . once again, seems a bit harsh.

Encourage membership in ATV clubs by offering a discount registration for ATV club members . . . a good idea . . . I am a bit skeptical however as I wonder if Maine will probably just jack the price of registration even higher . . . and why doesn't the state recommend the same thing for snowmobilers? As a snowmobiler and ATVer I would welcome a price break! I think this is one area where using a carrot instead of a stick could bring a lot of ATVers into line.

Finally, the goal of establishing a comparable trail system to the snowmobiler's ITS should be a main priority. I personally believe that by establishing ATV trails or multi-use trails backed up with enforcement and

positive (and negative when necessary) reinforcement that many of the negative aspects of ATVs can be rectified. For me personally and in my area (Unity) the one common problem that I see time and time again is that ATVers would like the ability to get on a trail and be able to go places . . . similar to that of snowmobilers. While there will always be rogue ATVers . . . just like rogue snowmobilers . . . establishing trail systems will encourage more ATVers to stay on the "straight and narrow" and not create trails.

Thank you for your time. Anyways, that's my humble thoughts . . .

-----Original Message-----

From: Harrison Roper, Houlton [mailto:hroper@mfx.net]

Sent: Tuesday, October 21, 2003 11:30 AM

Subject: Comments on ATV Task Force recommendations from a landowner

I have read the listed recommendations as printed in the Presque Isle Star-Herald October 15. I am in favor of all listed recommendations. They are needed.

As landowners in two rural properties, one in Littleton and one in Danforth, totaling some 90 acres of woods and fields, we have had experiences with ATV and Snowmobile people in the past 15 years. We do not own or operate such vehicles, and frankly we do not like them.

In both properties, local and "from away" riders have run their ATV's across our property without ever asking, leaving ruts in soft spots in fields, tearing up the gravel in a road, busting through bushes to make new openings into adjacent fields and gravel roads, tearing up and down the banks of an old gravel pit, and even doing "wheelies" in the lawn of our camp. "No Trespassing" signs are destroyed, and highly visible marking tape is broken down.

A huge hemlock log worked quite well in one spot, particularly on a vehicle that tried to run over it. Some fishermen are desperate to get to Deep Lake in springtime, and they seemingly cannot walk to it. They MUST ride, in their heated pickups, and they leave huge ruts in the mud access road every spring.

We have found the best way to discourage this is off-trail riding is big piles of brush and better yet, a thicket of living bushes and saplings. The last thing they will do is to do any work removing branches. They don't want to get down off their vehicles.

Whenever we can find out who has done these things, we speak to them and as good neighbors they have honored our wishes by staying off our property. But you never know when someone (who thinks he, or she, has access to the whole world while sitting on a small, noisy vehicle) will show up and take off across our uncut hayfield, through our woods, or across our lawn. They have long since worn out their welcome.

Our Littleton property is very near to the Meduxnekeag Ramblers (Snowmobile) clubhouse near Cary Lake in Littleton. The club has a "landowner relationship" committee which is careful to renew our permission to use a woods road which adjoins our property, every year. They even have a landowners' appreciation dinner every year, and they do keep their members on the marked trails. We appreciate that. We hope ATV owners will similarly join clubs, get organized, and stick to the marked trails and stay off the rest of our property.

I particularly like the requirement of permission (with NO presumed permission), "use only authorized trails", the \$1000 fine for refusal to stop, the liability insurance, the mud season closure (how about dust

season also?) , the points on the driving record, the impoundment of misused vehicles, and the encouragement of education and club membership for ATV's, and above all the adequate funding of enforcement. All of this should be on Page One of the booklet that accompanies registration.

Again, for us, ATV operators (and dirt bikers) have long since worn out their welcome.

-----Original Message-----

From: Leon Semour, Frankfort [mailto:FOFK1@aol.com]

Sent: Tuesday, October 21, 2003 2:43 PM

Subject: Use of Public Roads

I am unable to attend the public hearing set for Bangor on Wednesday, 10/22/03, due to work commitments, but wanted to pass along my deepest concern about the use of ATVs on public roads. There is a section in the law that abrogates all regulation concerning ATV use on public roads and within 200 feet of a residence (I believe it is found in Title 12, Chapter 715). It allows for a municipality to allow ATV use on public roads as part of a trail system, without a public hearing or mandatory inspection of a public safety officer, regarding ATVs and motor vehicles using the same roads.

The above is the case in the Town of Frankfort. The Selectmen granted the local ATV club (members of whom have been riding illegally on Town roads for years) to use public roads as part of their "trail" system. I asked the Selectmen to have the Waldo County Sheriff's Office review the elements of the "trail" that use public roads for safety issues. They refused. I asked them to put on the next Town ballot a question as to whether people favored the use of public roads by ATVs. They refused. I asked them for a written explanation as to how they came to their decision allowing ATVs on public roads. I have received no written explanation.

Pasted below is my letter and content of presentation to the Frankfort Selectmen.

September 21, 2003

Frankfort Board of Selectmen

Town Hall

Frankfort, Maine 04438

Dear Board Members:

I am asking that you reconsider your recent decision to allow ATV use on Town Roads. Your approval to allow these off road vehicles on public roads poses a serious and imminent threat to public safety. The roads designated for use by ATV riders include Murray Lane, West Hill Road, Old Belfast Road and Laffen Road (spelled Laughlin on the permit). The Belfast Road has a major "blind spot" on a corner with a very steep grade. Traffic on Old Belfast Road often exceeds 45 MPH. The Laffen Road has two significant "blind spots," is in poor condition, extremely narrow width and bordered by steep drainage ditches. A reasonable person would view these roads as unsafe for the use of off road vehicles in combination with regular vehicular traffic.

The Maine State Legislature promulgated laws governing ATV use and among the laws was to restrict off road vehicle use 200 feet and less from residential dwellings. Your decision to allow ATV use on these public roads will continually put these vehicles closer than 200 feet to a number of dwellings. I see no compelling reason for the Frankfort Board of Selectmen to allow ATV use on public roads, which creates an interference for the quiet enjoyment of one's own home.

Your action was taken without any public hearing or notice to local residents abutting the roads impacted

by ATV use. There appears to be a loophole in the statute allowing the Board to act in this way, but when decisions of this magnitude are made capriciously, then the law must be rewritten to allow for a fair and open process. This I shall do.

I am asking you to immediately rescind your decision based upon public safety concerns. If you should not rescind your decision I am asking for a written explanation of your decision, which according to the authorizing statute must be made only when ATV use can be conducted safely and does not interfere with other vehicular traffic. Try putting two vehicles side by side on Laffen Road ...it cannot easily be done.

Further, if you do not rescind your decision I am asking that a binding referendum question be placed on the November or March Town Ballot. Listed below is the language for the referendum question:

"Should the Town of Frankfort Municipal Officers be instructed to remove permission for ATV use on Town roads and be instructed that no future permissions be granted for ATV use on public roads"?

I sincerely hope that the Board will reconsider their recent actions allowing ATVs on public roads and await a written response.

Sincerely,

*Leon Seymour
Laffen Road
Frankfort*

-----Original Message-----

From: Marion Brooks, Naples [mailto:marion@pivot.net]

Sent: Sunday, October 26, 2003 4:24 PM

Subject: ATV Task Force Recommendations

My comments:

" 3. Require a mandatory liability insurance for all ATVs." This would not affect me but what about someone who never uses their ATV off their own land. It doesn't seem fair to them.

"Make any violation of a criminal ATV law result in automatic impoundment of the ATV." YES!!!
At least for a year.

"28. Encourage membership in ATV clubs by offering a discount registration for ATV club members (similar to the N.H. discount for snowmobile club members)." Encourage membership in ATV clubs - YES, BUT not with a discount because the "renegades" would join to get the discount and would probably never be a responsible, helpful member and therefore would bring a bad name to the Club. Instead, offer a discount for safety and law (ATV) course.

"29. Authorize five regional part-time employees (similar to IFW's recreational safety coordinators) to work up to 1,000 hours annually assisting DOC's off-Road Vehicle Division to develop clubs and trails, and work on landowner concerns or problems." Club members, at least in our Club, do this now and as volunteers.

In my opinion, more law enforcement is necessary. I see violations in the Town of Casco, for instance, and it would be very easy to "catch" them.

I am a member of Lakes Region ATV Club. The above opinions are my own personal opinions and not necessarily those of the Club.

-----Original Message-----

From: Brian Lawson, [mailto:Frostheev@aol.com]

Sent: Monday, October 27, 2003 5:30 PM

I would like to make a few suggestions that would alleviate most of the ATV riding problems in this state.

1. Let ATV's operate on the extreme right of a public way provided that the operator has a valid license to operate a motor vehicle. This should require a rear view mirror and the speed should not exceed 10 mph. After all, an ATV is a small version of a jeep. Bicycles and mopeds can use the extreme right of a public way, why not an ATV?

2. We need more places to ride an ATV. Some suggestions are:

- a. Existing power lines. Many of these power lines are excellent riding areas, away from public areas.
- b. Existing gas pipeline corridor. This is a superb transportation route for ATV's as well as snowmobiles.
- c. A universal ATV/snowmobile route from Kittery to Presque Isle must be established. This corridor should link up with existing route and shuttled through some of the states' most economically depressed areas. The reason for this is the increase in gasoline and food/lodging sales would give these areas a great boost all year.

Please critically think about these suggestions. I would appreciate any feedback that you might have in regards to these issues.

PS. Mandatory liability insurance for all ATVs is a bad idea. All this will do is shift the hostility from the landowners onto the 60,000 plus ATV owners.

-----Original Message-----

From: Donald Flannery [mailto:flannery@mainepotatoes.com]

Sent: Tuesday, October 28, 2003 8:23 AM

Subject: Maine Potato Board Position

This email is a follow-up to last evening's public meeting in Presque Isle regarding the proposed recommendations of the Governor's ATV Task Force. I would like to make a few additional comments and make sure the position of the Maine Potato Board (MPB) is clear. The MPB represents over 400 potato growers (landowners) in Maine from Fort Kent to Fryeburg. While we believe that anyone purchasing an ATV has the right to ride, we also believe that as landowners our rights must be protected and respected. The MPB's position is very simple, we believe that operation of ATV's on cropland should not be allowed under any circumstances, and that any operation of ATV's off designated trails should only be allowed with written permission from the landowner.

We would ask that the Task Force to remember that Maine is a large state with many competing interests on our natural resources. Keeping that in mind, a "one size fits all" approach will not work for regulating ATVs, as

agricultural interests are different from those of the forest industry and other landowners. In the potato industry we have issues that other landowners are not concerned with, such as the spread of disease from farm to farm. When and if this happens, it not only puts enormous financial burden on the grower but also on the industry. The potato industry in Maine is a \$540 million business creating and/or supporting 6,150 jobs that generate over \$233 million in income for Maine residents. Our growers also contribute over \$32 million in state and local taxes. We believe that no one wants to put any undo risk on the industry or our growers.

The potato growers and landowners in Maine have an excellent track record as it relates to outdoor recreation in this State. In Aroostook County, growers and landowners have worked together with snowmobile clubs to develop and maintain one of the best snowmobile trail systems in the country. This can be accomplished with ATVs as well, if ATV clubs and the state are willing to work with landowners in the development of a trail system. A trail system will not solve the issues of ATVs operating off the trails on land not designated for operation, so enforcement is also a key element to future success.

At the public hearing in Presque Isle there were many comments on the issue of obtaining written permission. Most of these comments were from people who own ATVs and feel that it would be hardship on them to have to obtain written permission. At the same time those speaking on behalf or as members of ATV clubs stated that where they have developed trails they obtained written permission from landowners, and by doing so, those landowners are protected with State liability insurance. It would seem that written permission is possible and that the goal should be to keep ATVs on trails, thereby addressing the issue of unwanted access to land. Written permission for off trail operation will protect both the landowner and the ATV operator, it will create a dialog between both parties, develop a better understanding of the issues landowners have as it relates to access to their land. It will allow landowners to control access to areas of their land, which are suitable to ATV use thereby, lessen the economic and/or physical impact to the land and farming operation.

The Task Force has done very good job with a very complex issue. The MPB would welcome any opportunity to assist the Task Force or provide any additional information. We ask that you keep in mind the "one size does not fit all", and landowners rights and wishes be respected.

Donald E. Flannery
Executive Director
Maine Potato Board
flannery@mainepotatoes.com <<mailto:flannery@mainepotatoes.com>>

EatMaineSpuds

-----Original Message-----

From: Darrell Wood, Carmel [<mailto:Dscottwood@aol.com>]

Sent: Monday, October 27, 2003 10:18 PM

Where is all the money from the \$35.00 registration fees?

Are you going to persecute the snowmobile riders also and make them get liability insurance, land owner permission, pay higher fines, etc. or will just the ATV riders be discriminated against?

What is this 3 tier grant program for law enforcement? The more ATV tickets they write the more money they get?

Why should someone who joins an ATV club get a discount registration? This is totally ridiculous. Another form of discrimination. Just another way to bet more money out of me. Just another form of state tax. We are already the most highly taxed state in America.

I'm assuming my money, via the damage mitigation fund, will pay for the damage done by other ATV riders who can't be identified. This sounds very unfair. Arrest some of the culprits and make examples of them. Punish the guilty; don't punish everyone for the crimes of a few. Spend money on identifying and prosecuting those that are guilty. Develop a hot-line with a reward system to report ATVs destroying property just like we have to report poachers.

-----Original Message-----

From: Bill Gumper [mailto:sales@centerpointrealty.com]

Sent: Monday, October 27, 2003 9:35 PM

Many parents view an ATV as a toy that their child must have. An ATV is no different than a motorcycle, truck, snowmobile or jet ski. They are all motor vehicles and should be treated as such. Here in N.J. in order to legally drive any of these vehicles, except for jet skis, you must have a valid drivers license which in N.J. means you must be 17 years old. Even Jet Ski's require a safety course certificate. Most of our jet ski accidents are kids 16 and under. Based on your own statistics, if you stopped children from using ATV's your accident rate would drop 47%

Bill Gumper

A frequent Maine sportsman

-----Original Message-----

From: Jeanne Bagshaw Raymond, Lewiston [mailto:jbrayd@aol.com]

Sent: Monday, October 27, 2003 3:41 PM

Sirs

I will be at the meeting at CMCC Tuesday night. I am the president of the No Name Pond Assoc. We have some problems with ATV's in this area. The snowmobile trail is cabled and a NO ATV sign of course has been pulled down and a new "entrance" beside the cable made. I have a couple of pics of the erosion being caused. Bad for the pond and more maintenance expense for the snowmobile club. A couple weeks ago two ATV's without ID were racing each other on Old Greene Road. In May I copied an article from the internet from a Lawrence, Mass. paper. I will bring some copies with me. The Methuen Police Dept was very frustrated by the abuse in their area and now have two ATV's and they patrol the known areas. I called them today and asked how the program was working. It is very successful and they are very pleased with the results they are getting.

-----Original Message-----

From: Linda KelmanBuckley [mailto:bluemagic@usadatanet.net]

Sent: Monday, October 27, 2003 4:14 AM

Subject: Other ATV issues

Dear ATV Taskforce,

I have not read the entire report. I would appreciate adding some concerns to the discussion as a property owner from West Gardiner. ATV's do not just impact private landowners (with large amounts of property). In West Gardiner the roads are filled with school age children who come home at 3 p.m. and load straight on to their four wheelers. These children ride unregistered, uninsured, unsupervised vehicles up and down the street constantly and repeatedly. I have had young men flip over on the roadside area in front of my house and break collar and wrist bones. I have had ATV's coming through my property at all hours of the day and night...when confronted the riders plead..."I didn't know where I was," or "I did not see the no trespassing sign." I have had to put up fencing to keep the ATV's and snowmobiles off my property. In the summer the riding (without any kind of muffler) goes on day and night with riders out in the neighborhood at 3 a.m. This riding, up and down the Hinkley Road, has turned the street into a NASCAR track. I have heard neighbors talk of pets being run over, property being destroyed and peace and quiet being violated. I have not known what to do about this issue...so to read of the task force is a positive. Besides the noise and air pollution there is also the question of

the rutting of the land which proves extremely destructive and such ruts do not heal...thus providing long term breeding areas for mosquitoes and other insects.

The property in back of my home which used to be primarily for walking or not used at all...is now an ATV trail...prior there were wild plants (violets) and mosses...now these are destroyed. From time to time, I see adults with their children and wearing helmets, having a day out on these machines...I suppose some people get pleasure from these machines. I find, however, that ATV's and snowmobiles...unregulated as they are...destroy almost all the pleasure of living in the country in Maine....they are noisy, they stink, are dangerously used by the underaged and those drinking and drugging and the trails are poorly maintained and not respected by the riders themselves. I do hope the governor addresses this as a pressing issue...because the right to peace and quiet on one's property is being eroded as is the idea of what Maine is about.

Sincerely, Linda Kelman Buckley, West Gardiner, Maine.

-----Original Message-----

From: Lee Humphreys [mailto:ibbarfod@midcoast.com]

Sent: Sunday, October 26, 2003 8:36 PM

My husband and I appreciate your efforts to address the problems caused by ATVs. Our land is used by the community for hunting, fishing, hiking, dog-walking, cross country skiing and snowmobiling. Our farm consists of 12 acres of fields which includes a market garden and about 104 acres of woodland most of which is in tree growth. We try to achieve a balance between sustainable harvesting, recreation and providing wildlife habitat.

ATV use is incompatible with all the activities mentioned above. We don't want to post our land but would like to prohibit ATVs as we have already sustained damage to trails and woods roads.

As affected landowners we view recommendations 1,4,6-8, and 11-16 as particularly helpful to our situation. Recommendations to increase educational efforts, safety and to encourage membership in ATV clubs are also desirable. Development of authorized trails is important. We have our doubts about No. 32, multi-use trails. ATVs are noisy and scary to hikers, dogs and horses.

If you pursue No. 34, an economic impact study, please factor in among the negatives, air and noise pollution, impact on wildlife, and loss of land for recreation when land is posted due to ATV abuse.

Again, thank you for addressing the ATV problem.

-----Original Message-----

From: Dave Dowler, Raymond [mailto:ddowler@maine.rr.com]

Sent: Sunday, October 26, 2003 1:56 PM

I have just read the Task Force's recommendations and hope to see most of them implemented. I am a non-motorized trail user: as a mountain biker, X-C skier and hiker. As such I have witnessed the increasingly destructive effects ATVs have had in my local area (Raymond and adjacent towns) in the past few years. My observations are:

1. ATV's, when ridden responsibly, will damage trails that have historically supported non-motorized use. For this reason they should be allowed only where explicitly permitted on designated trails. Trails could be designated by sanctioned ATV clubs, or by a landowner who wishes to allow ATV use. Recommendation #1 should require, not just encourage, written permission to ride on any trails that are not explicitly posted as allowing ATV use. Landowners should not have to shoulder the burden of making their land off limits to ATV use. ATV riders must become responsible to obtain permission for their trails, to maintain and mark them, and to ride only where welcome.

2. ATVs are not marketed to encourage responsible use. To quote just one ATV manufacturer's web site (<http://www.yamaha-motor.com/products/unitinfo.asp?lid=1> <<http://www.yamaha-motor.com/products/unitinfo.asp?lid=1&lc=atv&cid=1&mid=46>> &lc=atv&cid=1&mid=46): "How Bad Is Your Need For Speed? Are you the sort of rider who always attacks the biggest dune first? Do you enjoy blasting out of tight corners even more when your best friend is behind you? If so, you'll appreciate Raptor's big, hard-hitting and high-revving 660 cc liquid-cooled, 5-valve engine. With that torquey powerplant feeding through a five-speed gearbox, it's never a problem to keep the ground speed up and the radial tires digging."

A miniscule number of irresponsible riders on machines like this can cause huge amounts of damage to trails, streams and wetlands. I support your recommendations on strengthening the laws regarding ATV usage. ATV registration fees should be raised to whatever level is required to pay for the enforcement program outlined in the recommendations. I think the fees listed are actually too low. If riders are paying thousands of dollars to buy such destructive machines, paying a couple of hundred a year to mitigate their damage does not seem out of line. I would strengthen recommendation #25 to allow the seizure and auctioning of ATV's used by repeat violators of ATV laws.

3. Motorized multi-use trails should be funded by fuel taxes, ATV registration fees, and/or funds that are explicitly appropriated for motorized users. As such, I do object to recommendation #33. Current Federal multi use funding that excludes motorized use was done to encourage trails for non polluting, healthy physical activities, as an adjunct to the current transportation network. ATV usage will never, in any way, enhance the overall health and fitness of the state's residents, nor will it strengthen the state's transportation network. If state or federal funding of ATV trails is desired, it should be legislated as such on its own merits.

Overall I am pleased with your report, and hope to see it implemented promptly.

-----Original Message-----

From: Bill Jamison, Bangor [mailto:ernhrt3daytona]

Sent: Sunday, October 26, 2003 1:29 PM

Subject: ATV Responsibility

I believe that the ads on television share a lot of responsibility in how the sport of ATVing is perceived by the general public. Suppose you were a landowner, and the president of the local ATV club came to your door, asking for permission to run a trail through your land. Would you give it, if your only exposure to ATVs was the ads on television, which portray ATVs as tire-spinning, grass-ripping, mud-throwing monstrous beasts that have no respect for others or their property? Would you give permission for that to happen on your land? Probably not.

However, most of us riders are responsible, respectful people who just want to get outdoors and enjoy our sport. Yes, as with any basket, you are bound to find a few "bad apples", but the majority of us are safe, courteous riders. I take my kids onto these trails to ride, and I am just as concerned with safety, and just as fed-up with those few reckless riders, as the landowners are!

I believe that, in showing these "tough-guy" ads on television, the manufacturers are doing us riders, as well as themselves, a huge disservice. For the riders, these ads give landowners and the public a very bad impression of us, and we will likely never be given the opportunity to prove otherwise. For the manufacturers, their ads are targeting a very small percentage of their potential market. If they would run ads that portray ATVing as the safe, enjoyable, family-oriented sport that it is, maybe we could get more responsible people out on the trails, and phase out those few morons who ruin it for the rest of us!

-----Original Message-----

From: Dan and June Freitas [mailto:freitas@worldpath.net]

Sent: Sunday, October 26, 2003 10:00 AM

GOOD AFTERNOON;

WE ARE GLAD TO HERE THAT SOME ONE IS LOOKING OUT FOR THE ATV RIDERS. WE RIDE AND WE STOP AND ASK PERMISSION BEFORE GOING ACROSS SOME ONE LAND. JUST AS WE DO WITH OUR SNOW MACHINE. ALL WE ASK THAT SOME TREAT US JUST AS NICE IF THEY DO NOT WANT US TO GO THOUGH THERE LAND. THANK YOU FOR MAYBE HELPING THE ATV PEOPLE OUT WITH SOME TRAILS WE ARE NOT ALL OUT THERE TO TEAR UP THE LAND. WE OWE LAND, WE WOULD NOT WANT OURS ALL TORN UP. THANK YOU AGAIN.

-----Original Message-----

From: Susan Churchill [mailto:susan.churchill@verizon.net]

Sent: Sunday, October 26, 2003 9:18 AM

Subject: ATV'S AND PRIVATE LAND

I would like to see a policy enforced of NO UNAUTHORIZED use of private land for recreation including ATV'S, DIRTBIKES, OR OTHER MOTORIZED VEHICLES without written permission. Please help us, our land is too large to patrol and post.

-----Original Message-----

From: DAVIDFOX210@aol.com [mailto:DAVIDFOX210@aol.com]

Sent: Sunday, October 26, 2003 9:11 AM

Subject: ATV'S

So, you want to put it to the out of state ATV owners. I can't believe your task force increased the registration fee for out of state hunters who only use the machine in Maine for one or two weeks, from 12 dollars to 80 dollars. Once again you put it to us.

I have ten fellow hunters who spend a large sum of money buying food at the local stores. You know the type, Mom and pop shop's. I want you to know that we have decided to purchase all our food in Massachusetts and transport everything to our hunting camps and that will include the booze. Now, I know your laughing as you read my e-mail but rest assured that we will tell the owners of the Mom and pop stores that you didn't screw us, you screwed them and I hope they take it out on your stupid 400 percent increase in the ATV out of state tax.....

-----Original Message-----

From: Marc Perlman [mailto:PerlmanM@cmhc.org]

Sent: Tuesday, October 28, 2003 3:39 PM

Subject: Governor's ATV Taskforce Forum in Auburn

I had planned to participate in tonight's forum at Kirk Hall, but will have to be on call and in-hospital due to the illness of one of my associates. I would like to have my support and suggestions included in this important public discourse. Please accept the three attached documents: the text of what would have been publicly presented, an expanded version and a bibliography of sources. Thank you, Marc Perlman, MD

**Presentation of
Marc B. Perlman, M.D.
Auburn, Maine
Fellow of the American Academy of Pediatrics
Master's Graduate Student in Bioethics
Albany Medical College/Union College
mperlman@cmhc.org**

Dear Members of the Governor's Task Force Panel:

Thank you for the opportunity to contribute to the public discourse on the vitally important public policy issues concerning All Terrain Vehicles (ATV). As a citizen, taxpayer, resident and property owner in Maine, I applaud the work of the Task Force in bringing necessary and important proposals to the public agenda, including many proposals for legislation and regulation that will protect personal property and help land owners enjoy their property and assist us in our stewardship duties over Maine's private woodlands and open, natural spaces. However, to me, a citizen and a physician caring for people of this State, the proposals must also consider the massive public health costs of severe and all-too frequent ATV crash injuries, and the unique window of opportunity to preventatively control those costs through modifications of the already proposed regulations. I implore the Task Force to use these Forums and the public policy process opportunities before us to create controls and regulations to reduce preventable life-threatening trauma from ATV crashes and to help the citizens and hospitals of Maine realize health care savings that will benefit all Mainers.

The Task Force provides a vast body of data on the rising number and characteristics of ATV crashes over the past decade, and the alarming rise in number and severity of crashes. These accumulated data are stories of men, women, and, unfortunately of children, involved in crashes on high speed vehicles, often miles and hours from medical assistance. From Task Force data, and comparison data from the rest of the nation, we learn that ATV use is rapidly rising, and that ATV crashes have risen over 230% in 10 years, and by 14% in the most recent year studied. The number of crashes per 1000 ATV's is also rising; more people and a bigger percent of riders are sustaining severe traumatic injuries. Maine's injury rate is rising at nearly twice the national rate, and the severe injuries fall disproportionately on the young and promising members of society. Other trends, critical to understanding the public health issues, are the low and falling rates of helmet use, the absence of usual motor vehicle requirements for training and licensure, or meaningful proscriptions against underage driving or OUI. In addition, and significantly for Emergency Medical Services utilization, medical costs, and chances for treatment and recovery are the data showing that ATV crashes are increasingly happening off established trails, in remote and inaccessible locations, delaying arrival for definitive care, increasing the use of expensive and scarce helicopter evacuation, and making the patient's hospital course longer, more complicated, and costlier.

From the perspective of the State's healthcare system, these data are not just numbers on a paper; they are each of the hundreds of severely and preventably injured patients cared for by our EMS providers and hospitals. They are also disproportionately young, sometimes only grade-school aged, and about half the time have sustained severe head and brain injuries in addition to other severe and life-threatening trauma. Many of the badly head injured will never return to their former productive lives, and will require a lifetime of care and public financial welfare.

Money to provide health care to Mainers is very limited, and choices are constantly made at many levels about how to allocate or spend scarce resources. A global budget may well be Maine's future. This means that every dollar we have to spend to treat a costly and preventable multiple trauma is a dollar that is not available for anything else, or to treat anyone else, including many worthwhile treatments and preventative programs that could benefit thousands of Mainers. For a typical Maine hospital with a dedicated Trauma Service, the cost for 15 typical ATV crash patients is 125,000 to over 200,000 USD, while payment to the hospital is as little as

4500 USD, or less than 5% of the actual cost. A hospital like Central Maine Medical Center may have \$1-2 Million less in resources for care of this community due to spending those resources on preventable injuries. This does not even begin to include costs to Maine families of long term care, and of lost earning power. Both State government and health care systems have fiduciary duties to the communities they serve, including a duty to try and make medical services that the communities depend upon sustainable; in other words, to try and make sure the services will be there tomorrow. A cooperative public policy effort over ATVs by government, citizens and health care can assist that duty, particularly by considering adding the following modifications to new regulations.

- Regarding ATVs, from a regulatory stance, as motor vehicles, and
- Banning use by riders under 16 years old
- Limiting use to single drivers only; no second passengers
- Requiring licensure and registration, and safety inspections
- Basing licensure on training and demonstration of ability to operate safely
- Requiring restraints (seat belts) and roll bars as minimal safety equipment
- Requiring helmet and goggles or face shield use
- Prohibiting off-trail (rather than adding lists of excluded land types) use except by special permit for legitimate work-related purposes (such as in the logging industry)
- Expand police powers to fine, impound vehicles or revoke licenses, and increase the deterrent power of fines by substantially increasing fines.
- Use information technologies now readily available to track violations, and, as already proposed, link to automobile violations

These key policies are directly aligned with the injury data provided by the Governor's Task Force, and address key points where public policy can leverage ATV usage in ways that reduce the burden of illness and health care cost. By moving these objectives through the policy process and into the realm of working regulations, Mainers will realize improved safety on the trails, and a substantial increase in available health care resources.

Enlarging the Public Discourse to include Health Care Cost Benefits from Proposed new ATV Regulation

Key Issue: The Health Care Costs of ATV Injuries

Personal injuries from all-terrain vehicle (ATV) crashes and accidents in Maine have increased 234% over the last 10 years, and the healthcare costs of treating these severe and complex injuries have spiraled. The disproportionate diversion of emergency medical services, acute and rehabilitative medical care, and social services to treat these injuries, and the incalculable loss to our State from brain and bodily injuries to young promising Mainers can be substantially reduced through public legislation regulating ATV use. The enormous medical, rehabilitative and societal costs of traumatic injuries to brain and body are borne by the hospital and health care systems of Maine, by employers both large and small, by overburdened state medical and social welfare programs, and ultimately by Maine's citizens.

Governor John Baldacci has created a Governor's ATV Task Force that will seek public input from around the state, mostly regarding rider awareness of laws concerning vehicle registration and property access and use, environmental impacts, trail development and landowner grievances. The following develops a model for introducing into the discussion the health care system costs of upwardly spiraling ATV crashes, and for influencing the direction of the Task Force's recommendations beyond land use issues, to include realizable health care cost reduction through suggested regulatory and legislated controls. Data from the Task Force's crash statistics, the Maine Emergency Medical System (EMS), and from healthcare cost and reimbursement, and expert input from Maine's EMS and Trauma services, the Academy of Pediatrics, the National Children's

Center, the Consumer Product Safety Commission, the All Terrain Vehicle Association (ATVA), and Maine's air-medical evacuation service, Lifeflight of Maine (LOM) are used to develop the case for the Task Force to act and appropriate recommendations for the Governor and the legislature. A brief summary of a model bill concludes this document.

Policy Opportunities

Three important streams of public discussion and policy converge sufficiently at this time to open a window of opportunity for the Task Force members, regulatory agencies and legislators to make substantial and simultaneous improvements in ATV and land use, protection of public health from excess trauma, and health care costs and distribution. The key problems and proposals are summarized as follows:

Problems

ATV registrations have more than doubled, triggering a steep rise in property damage complaints. At the same time, the number of crashes and serious injuries has risen over 230% and is increasing at an accelerating rate, and the number of accidents per 1000 registered ATVs is rising, even as the accidents themselves are increasingly severe and occurring at more remote, off-trail locations

Health care costs are increasing again after previous hyperinflationary increases, and specialized medical services demanded by these traumas are allocated in the face of scarcity. The Trauma and health care systems of Maine can no longer afford to spend millions of non-reimbursed dollars on preventable and high cost injuries, and still be able to provide accessible and quality care for people of Maine. Neither private health insurances nor government funded programs can achieve sustainability by paying enormous amounts for preventable injury costs generated by a small segment of the population that would consume a major portion of any global or finite budget.

EMS and intensive care services are becoming relatively scarce compared to the number of crashes, and may become absolutely more scarce from a variety of causes (including skilled nurse shortages, LOM funding changes, adoption of Leapfrog staffing levels for ICU's, etc.)

Proposals

The proposed regulations build on the Task Force data, and are directed at the features of ATV crash injuries most associated with excess preventable health care expenditure:

Keeping ATVs on trails and out of the pathless and remote woods and fields, where extraction is difficult and much costlier, the resulting illness trajectories worst, and the subsequent excess health care costs and un-reimbursed costs are greatest.

From a legal and regulatory viewpoint, considering ATVs as motor vehicles, like automobiles, and expanding both registration and licensing/training for safety, competence, and to keep the youngest operators from driving them. This will serve to give real authority for enforcement of regulations that improve ATV safety, and also reduce the disproportionate consumption of health care resources by injured riders.

As is done for other motor vehicles, requiring safety equipment and use; in this case operator restraint belts and roll bar to reduce ejection and crushing of the body injuries during roll-over accidents.

Current Phase: Public Discussion**Inputs**

Biological, Demographic and Technical

Between 1993 and 2002, 1,994 persons have been injured and 32 died from ATV crashes in Maine

Since data began to be collected in 1997, only 146 of 1248 ATV operators involved in a crash had safety training

Registrations of ATVs have risen from 22,390 to 52,839 between 1993 and 2002, about a 2-fold increase, and the number of injuries has risen from 89 to 332 (a 3.7-fold increase). Nationally, the number of injuries doubled; Maine's injury rate is rising 1.8 times faster than the rest of the nation.

2002 saw a 14% increase in crashes over the previous year

Children under 15 are involved in 28% of the crashes, often as operators.

In 2002, only 9 crashes occurred on marked trails; the rest were off designated trails

Crashes and injuries are occurring in more remote and inaccessible locations to EMS; Aroostook, Hancock, Waldo, and Washington counties had the highest number of crashes per 1000 registered ATVs in 2001 and 2002 (11.9, 10.7 and 9.6, respectively).

Injured persons in such remote locations frequently cannot be extracted by typical municipal ambulance services, even if available, but disproportionately require helicopter evacuation by specially trained teams, like LOM. Delays in reporting and being able find the injured person, hypothermia and subsequent excess bleeding, lack of a safe or available close-by landing zone, and the high force of the mechanism of injury all lead to sicker patients on arrival, with more complex and costly courses.

Helmetless riding and injury is increasing, up to about 55%. Speed, lack of restraint or helmet and ejection cause a disproportionate number of severe head injuries. Many leave permanent disability and render a potentially productive young person dependent on others for care

ATVs can reach speeds of 75 mph, comparable to regulated motor vehicles (autos, trucks and motorcycles) and can weigh 600 pounds. A roll over accident at speed causes extensive and costly multiple life-threatening injuries which require extensive care by the EMS and Trauma systems, long hospitalizations and rehabilitation.

Legal

Any safety training or helmet use is only required for operators under 18 years.

Most enforcement of regulations is the responsibility of the Department of Inland Fisheries and Wildlife. Police authorities are only involved in cases of property damage estimated over \$1000.00, or personal injury (generally involving only ATVs on roads, where police are most accessible), or theft of an ATV

Registration but not a license to operate is required

The state's OUI traffic laws do not cover most ATV use, or detection and enforcement are impossible (in 11% of ATV accidents, and in rising numbers, alcohol is a factor).

Vehicle inspection, as for autos, is not required, nor is any survival equipment mandated (as for marine craft).

There is no legal recognition of legitimate and non-recreational off-trail uses for ATVs, such as in the logging and forestry industry

Social

The ability to ride, untrammelled and anywhere is widely regarded as a right and a fundamental part of the life-style of Maine.

National ATV associations promote ATV riding as a right. ATVA, the All Terrain Vehicle Association features the banner 'Protect Your Rights' on its home page, and the motto 'United we stand. Divided We're Banned', as well as the Rapid Response hotline either suggest or state a social attitude of rights and entitlement, and of no middle ground between unregulated riding and banning of the activity.

Public reason does not grant the "right" to unrestricted and unregulated use of any other class of recreational items or motor vehicles, without regard to environmental and property damage, personal injury or the costs to every citizen of the damage to property and to lives.

Economic

Cost per case of ATV crash-related injury

5000.00 USD average per EMS extraction

50% have closed head injuries and 40% of those people will require costly long-term rehabilitative care

Acute care costs 125,000 – 250,000 USD; weighted mean based on concurrent brain injuries 160,000 USD

Mean reimbursement to hospitals is 4700 USD

Annual loss to a typical Maine Trauma center: 2.3 million USD for 15 cases

Public Costs

Diversion of Medicaid and other health care dollars to preventable costly injury.

In the face of a finite budget, this means health care resources not available for other beneficial care.

Diversion of police, IFW, EMS to locate and extract

Public support of long term neuro-rehabilitation

Loss of productive earning power, in some cases for an entire working lifespan. Disproportionate consumption of millions of dollars of limited health care resources by a few percent of patients whose injuries are preventable

Suggested Policy Directions

Seize upon current window of opportunity

Introduce into discussions at Governor's Task Force public forum:

the additional idea of ATV injury as a public health problem

Synchronistic relevance to ATV and health budget problems

Solutions that arise from natural dovetailing of incremental extension of agenda regarding regulations to limit health costs by limiting ATV injuries with some extant agenda re: land use and registration suggestions.

The logical case for extension of the agenda and recommendation for regulation/legislation aimed at health care aspects using the injury data already gathered by the Task Force.

Suggested Model Bill Summary

All Terrain Vehicle (ATV) Injury Act

A Bill to regulate ATVs by, among other actions, prohibiting use off designated trails without a special work/hunting permit, prohibiting operation by persons under 18 years of age, requiring registration, vehicle insurance, inspection and licensure contingent upon testing for use competency, imposing fines for illegal and reckless use, and imposing vehicle and operating safety requirements including restraints and roll bar. Registration and licensure fees may support dedicated trail development.

Title: This act shall be known as the ALL TERRAIN VEHICLE INJURY ACT

1. Legislative Findings: > The number, severity and health care costs from ATV related crash injuries are increasing at an alarming rate, leading to unsustainable increases in the cost and diversion of scarce medical resources to a class of largely preventable injuries. Underage driving, a increase in vehicle numbers, lack of vehicle competency training and licensure, lack of minimal safety gear and helmets, and the shift in usage of ATVs to remote and off-trail sites are the primary forces behind the worsening health cost diversions for ATVs, and suggest the regulatory solutions listed below. It is therefore the purpose of this act to regulate the use of all-terrain vehicles in the State of Maine in the interest of saving lives, preventing injury and improving access and affordability of healthcare by reducing costly ATV-related injuries.

2. Definitions: “All terrain vehicle” means three- and four-wheeled motorized off-highway vehicles with a saddle and handlebar controls and as designated by the Department of Motor Vehicles. “Registration” means assigning and recording a unique identifying registration number.

3. Highlights of specific requirements of the Act

a. Prohibition against operation by persons under 16 years of age

b. Prohibition against off-trail riding except by permit

Licensing Requirements

Term of license

Mandatory competency-to-operate test

d. Inspection for operating safety and illegal after-factory modifications

e. Mandatory use of a helmet and face shield or goggles.

f. Mandatory equipment includes restraint and roll bar

g. Police and IFW empowerment to fine or impound for illegal or reckless use

h. Prohibition against carrying passengers due to lack of personal restraints.

i. Prohibition and imposing of current auto OUI fines against operating under the influence of alcohol or a controlled substance System for reporting and tracking violations; moving violations to be given the legal weight of automobile moving violations

References

Governor's ATV Task Force, Maine ATV Accidents 1993-2002, Governor's ATV Task Force, www.maine.gov, link to atvaccidents/atvaccidents.htm

American Academy of Pediatrics Policy Statement, All-Terrain Vehicle Injury Prevention, Pediatrics Vol. 105 (6), June 2000, pp 1352-1354

All Terrain Vehicle Association web site, www.atvaonline.com

Consumer Federation of America, www.consumerfed.org, release of August 20, 2002, "Injuries and Deaths from All Terrain Vehicles are Increasing Dramatically."

Motor Vehicle (All Terrain) Act of the Province of British Columbia, Canada, RSBC 1996, Chapter 319, www.qp.gov.bc.ca/strateg/stat/M/93619_01.htm.

-----Original Message-----

From: Hawk2990@aol.com [mailto:Hawk2990@aol.com]

Sent: Wednesday, October 29, 2003 6:32 AM

Subject: Discount Registration!

I just want to touch base on the discount registration fee if you join an ATV club is a big issue with me. For one, it's not a discount to club members, it's an increase for people that don't want to join a club and do not ride on the trails. I don't think I should be forced to join a club. (People aren't forced to join motorcycle clubs, snowmobile clubs, car clubs, boat clubs, etc.) Education is the way to go here.

I belonged to a snowmobile club once and found it to be a group that preaches "Do as I say not as I do"! They preached safety, but do more unsafe things than anyone I have ever ridden with. With this, I'm sending the letter I sent to the Maine Snowmobile Assoc. about my experience with that club and members of another club. And just so you know, the Snowmobile Assoc. never even wrote back or responded in any way. So I do not want to be penalized for not joining a club.

(Letter to MSA available on request)

-----Original Message-----

From: Al Langley [mailto:ahlangley@midmaine.com]

Sent: Tuesday, October 28, 2003 1:04 PM

Subject: Task Force Recommendations.

I have read the "preliminary recommendations" that have been recommended by the Task Force. As a landowner, and the president of a local atv club, I support the recommendations of the Task Force. As a safety issue, I would like to see a mandatory brake light law for all atvs.

-----Original Message-----

From: Judy Hayward [mailto:bboop50@hotmail.com]

Sent: Wednesday, October 29, 2003 9:59 AM

Subject: ATV use

Here in Dayton, we have an immense problem on weekends. These riders go into the local gravel pits off Route 35, near the center of town. The noise and dust is awful. They also travel up and down Route 35 to the corner store, etc. There have been many near-miss accidents with cars. The road shoulder along Route 35 looks like a parking lot. The pit owners say they don't want them in there but there's nothing they can do. We have heard of one instance where a pit owner was assaulted. It would seem to me that the State could post no parking signs along the road shoulder and the owners could post no parking signs in the entrances. That would make it relatively simple for a police officer to cite these people for illegal parking. It would be a start at least.

-----Original Message-----

From: H. Wayne Harper, P.E. Environmental, Health, & Safety Manager , Portland Natural Gas Transmission System, Windham [mailto:WHarper@pngts.com]

Sent: Wednesday, October 29, 2003 5:29 PM

I have reviewed the proposed ATV Task Force recommendations and attended the public forum in Auburn on 10/28/03. On behalf of the PNGTS Operating Co., LLC, I am providing the following comments:

- PNGTS operates approximately 200-miles of high-pressure natural gas pipeline. Almost all of our rights-of-way were obtained via easements crossing hundreds of landowners. Notwithstanding our legal right to access these rights-of-way to maintain and operate our facilities, I have concerns that the proposed recommendation #1 may be interpreted by some enforcement entity in the future to restrict our access utilizing ATVs. To remedy this situation, I suggest a minor change to the text to clarify this issue, not only for PNGTS, but also for other holders of access easements within Maine. The modified text is presented in bold italics.

1) Recommended this new language be added to Maine law: "The Privilege to operate an ATV on the land of another requires the landowner's permission. Permission is presumed where authorized ATV trails exist, or in areas open to ATVs by the landowner's policy, or where access easements exist. In those areas, ATVs are restricted to those trails, or areas open to ATVs by the landowner policy, or access easements. In all other areas the landowner's permission is required. Written permission is strongly encouraged. Anyone riding on land without the landowner's permission is committing a civil violation subject to a \$100 fine."

Lastly, I must agree with some of the statements of the Sportsman's Alliance of Maine's written testimony presented on 10/28/03 in Auburn. Effective enforcement action is imperative to ensure control of the rogue riders. The allocation of dedicated funds for the success of this effort is the only way it will happen. Laws without effective enforcement is what we have today - it just doesn't work...

-----Original Message-----

From: Rocky Hill Sr, Asst. Trail master, Mapleton ATV Club [mailto:pjsquirrel192@hotmail.com]

Sent: Thursday, October 30, 2003 8:40 AM

Recommendations:

- 1: Make the helmet law only for children under 17, there is no helmet law for motorcycle riders and it should be the same for all sports.
- 2: To help curtail the alcohol operation of ATV'S make it illegal for convenience stores, to sell alcohol to anyone riding an atv the time of purchase.(for instants if your fueling ups atv's and filling coolers, then its not hard to realize your going to drink the alcohol while operating).
- 3: Give the club officers authority to give tickets, or ban people caught drinking or destructing trails, or property.
- 4: I strongly agree with making all atv owners being members of club, (pass a law that if there not card carrying members they can't ride on any trails).
- 5: Pass a law that on top of fines imposed on violators, that the violators should also be made to give at least 40 hours community service to the club who's trail they damaged, or were drinking on.
- 6: Have the Game Warden go with a club officer around the trails. (The wardens should at least be knowledgeable in the trails in case of accidents.)

-----Original Message-----

From: John Andrews [mailto:JAndrews@GWI.Net]

Sent: Friday, October 31, 2003 7:14 AM

Subject: Great Sanford Meeting

I was amazed at the reception the Governor's ATV Task Force received in Sanford. As I was leaving, I thanked a group of ATV activists in the parking lot for what they are doing.

As I was listening to the dialog, I recalled visiting the KATY Trail along the Missouri River and its security patrols. There were armed police riding bikes on the trail. They were helped by trained, certified and uniformed volunteers who fixed bikes, offered first aid, and carried two-way radios to allow them to communicate with the trail police patrols. It might be helpful in Maine to have such volunteers patrolling as eyes and ears for our law enforcement officials. The volunteers in Missouri, as I understand it, were supported by an organization called Trail Net, that reminded me of Portland Trails. Trail Net, a non-profit trail development organization, had several full time employees and offered formal training for volunteers. I don't see this as easy and it might not work in Maine where the population density is much smaller, but I offer it for consideration.

Thanks again to you and the Task Force for the great job you are doing,
John Andrews, President
Eastern Trail Alliance

From: Vernon DeLong, executive director, Agricultural Bargaining Council, Presque Isle

The Agricultural Bargaining Council is a non-profit voluntary member Association made up of approximately 300 farmer members, our board of directors consists of 21 Farmers ranging from Sherman to Fort Kent.

After reviewing the recommendations of the Governors Task Force on all Terrain Vehicle Operation, we would like to ask a couple of questions 1. How many and who served on the task force from Aroostook county. And number 2. Were private landowners fairly represented on the panel?

Now for some thought on the subject we do not believe the wording ("**written permission is strongly encouraged**") will be accepted by farmers or other private landowners in Aroostook County. We do not believe that those of you on the committee would tolerate A.T.V. going across your property with or without written permission. A.T.V. are considerable different than Snowmobiles, A.T.V.'S can and do considerable damage to land and crops, where as Snowmobiles do not, also Seed Growers are very concerned about the spread of disease from one farm to another. We believe that to not require A.T.V. owners to get written permission will cause more land to be posted.

When you buy an A.T.V. a God given right to ride it anywhere does not come with it, To ride on private property is a privilege and that privilege must be secured from landowners and we insist it be in writing.

As we travel throughout southern Maine we see more and more land posted and to allow A.T.V.S to go anywhere will only add to private land being posted. We believe that once a Farmer feels he needs to post his property it will be a no-trespassing sign that will be permanently placed year around to include all travel, be that A.T.V.S, Snowmobiles, Hunting Fishing or whatever.

Most of the A.T.V.S trails we have seen are so rough that A.T.V.S owners who value their machine leave the trail to find a smoother ride, a lot of the young riders do not display the license plates and have a catch me if you can mentality. To think that a 100.00 fine will work as a deterrent we believe is of little value. (Dad will pay it).

-----Original Message-----

From: Jim Rogers, Pretreatment Coordinator, Maine Department of Environmental Protection
[mailto:James.R.Rogers@maine.gov]

Sent: Thursday, October 30, 2003 7:40 AM

Subject: ATV Task Force Goals

Unless I missed it there is no mention of consideration for animals in the Governor's ATV Task Force Goals. Shame on us! We've made almost every acre in this beautiful state accessible to anyone who can get on an ATV and threatened most of our wildlife in the process. There is little peacefulness left here because we support consumption of our natural resources as opposed to appreciation and enjoyment without conquest and destruction. ATV's shouldn't be allowed to operate after dark - we all need some restful time.

From: Stephen O. Chandler, for Chandler Brothers, New Gloucester

Sent: October 30, 2003

Dear Task Force Members:

First, thank you for your efforts. It is difficult work. I'm on a legislative rules making committee and can relate...to a small degree.

I attended the Auburn hearing, but did not speak. Repeating the same frustrations that some expressed is not necessary. I can say that the impacts we've suffered far exceeded any stories told that evening. For instance we have a gravel operation which allows us to pay the property taxes on our 3,000 acre ownership in New Gloucester. We have for many years (over forty) restored our exhausted pit areas prior to Maine having any mining laws. Our exhausted pit areas have well-established pole sized white and red pine. In 1999 I hand planted an additional 5,000 trees. Less than half survive due to ATV trespass. I cannot therefore meet our personal standards or those of the agreements we have with the Town or DEP. This is but one small example.

I have been threatened with bodily harm, called names I can't print, and last fall our living room window was shot out! Someone at the meeting mentioned "blackmail." They are correct. Siege is another word that applies...we are under siege.

We've never closed out lands except to ATV's. We post signs welcoming pedestrian use. We've worked with local snowmobile folks since the 1960's. I have NEVER been asked if it was okay to use our land for ATV's...NEVER. We don't falsely threaten to close our lands to all use because that is not possible and could not be enforced.

I do not think the proposals will combat the problem of increasing landowner frustration in time to prevent wholesale posting...especially in Southern Maine. The proposals may work over time but will be too late. Unfortunate, as open land is needed here in Southern Maine more than any other part of the State.

While I support obtaining written permission from landowners I agree with those who stated the frustration level will cause folks to stop giving it.

We lived and worked in several states, outside New England. It is obvious to me that what Maine needs is a comprehensive trespass law. Our traditional system of "if it ain't posted it's mine" has outlived its usefulness. Unfortunately Maine has no alternatives as many other states do. I fear to support the outdated beliefs we spin it the wrong way. Most landowners are fed up with trespass and abuse. It would be an economic stimulator as much as a land rights issue to have a comprehensive trespass law. However, I won't bore you with details as I've provided them to the Governor and area legislators.

We are landowners whose patience is exhausted. We agree with those who stated that the first priority is to get some bucks and do some REAL enforcement! We are beyond the point where we will let ATV's use our land without being approached with some bucks in hand. We are tired and frustrated by having to spend two or

three thousand dollars a year repairing damage. Would you expect to go into L.L. Beans and get a free pair of boots because you are a hunter? So, why should landowners pay taxes, provide the habitat for Maine's game, support abusers, and get to bear the burden without any help at all?

-----Original Message-----

From: Dave Walker, Monmouth [mailto:dawalker@ctel.net]

Sent: Wednesday, October 29, 2003 9:36 PM

Subject: ATV Taskforce

On first review, most of the suggestions make good sense. I think the provision suggested to make travel across streams, if I understand that correctly, would be unworkable in many areas. I also believe that it would be unfair, if not unconstitutional to attach penalties to driver licenses due to ATV infractions, since it is not a requirement to hold a drivers license to operate an ATV, thus making it a double penalty, only to those who operate with a Maine driver's license.

-----Original Message-----

From: Diane Walker, Chair, Stonington Conservation Commission [mailto:diwalk@prexar.com]

Sent: Sunday, November 02, 2003 4:13 PM

We are enormously pleased with the thoughtfulness of your report, "ATV Solutions," its four primary goals, and the impressive thoroughness of your series of recommendations. Thank you for your time and effort in addressing this huge problem of irresponsible ATV use and coming up with sensible remedies.

All of the recommendations under each of the four Goals warrant implementation and would be welcomed by those of us trying to prevent damage and, of course, failing, and then having to attempt repairing the damages made by irresponsible ATV operators. We have tried friendly hand-made signs, the State's signs (ATV in a red circle with red slash), brush pile and whole tree barriers, contacting the local Warden service, and word of mouth from Selectmen, all to no avail.

We recognize that there are legitimate uses for ATV's for farmers, and probably other businesses, and for responsible recreation, but Task Force Members clearly understand the aggravation felt by both private and public property owners when their land is assaulted and there is no way, legally, to stop it.

We are limiting our comments to those recommendations that would assist small property owners in particular. On Deer Isle, and specifically in Stonington, private properties are relatively small, and there is only one Town-owned preserve of 29 acres, Holt Mill Pond Preserve. This Preserve includes a Nature Trail, a large salt marsh, and a stream that flows across the marsh and into a tidal pond. ATV's have caused severe damage to the trail, the salt marsh and the stream crossing. The Stonington Conservation Commission has been responsible for providing maintenance for and care of this property since the Town bought the land in the 1970's. From the mid-1990's we have been disheartened, infuriated and frustrated by ATV assaults on what had been enjoyed as an undisturbed narrow, mostly fern and moss-lined foot path, a healthy stream with a variety of fish, and a beautiful, productive salt marsh surrounding the tidal pond. I assume I don't need to detail the nature of the damages for you.

Goal 1: To protect landowners and their property... We especially support Recommendations #'s 4, 6, and 7 (to add to the existing Law "...rivers, brooks, streams, Great Ponds, non-forested wetlands and public water supplies"...), and # 10; Goal 2: To improve law enforcement... As you know, law enforcement is very

difficult, especially in areas such as ours, where there is no police force, there are no authorized trails and ATV riders operate at any time and ride wherever they please, primarily on private property not their own, and without permission, including on State

and Town paved roads (this, at least, only poses risks to operators, not the land). At last count Stonington had 50 +/- registered owners, but as you know, many, if not most ATV'ers, are not registered. Many acquire ATV's second or third hand, and new owners are unaware of, or ignore, the existing law. Catching unregistered riders and imposing substantial fines may help. We support Recommendations # 's 16, 19 (though we recognize it will be

difficult under the above circumstances), and # 20 and 21. For item # 25 (page 12), we support instituting enforcement policies and law changes, such as listed on page 13 with unnumbered *bullets*: * 2, *3, *4, *5, *6, *7 and *11. Until a number of hefty fines have been imposed and collected, and perhaps a few ATV's have been impounded resulting in newspaper coverage, ATV'ers won't believe the law is serious, or that enforcement action is going to happen. Further, the impression given by ATV ads on TV, seem to imply that the sellers of ATV's appear totally uncaring of the existing law, and ATV damage to the land and streams. The TV images are designed to appeal to "yahoo," uncaring, and irresponsible behaviors, especially to adolescent kids, and we all know, it's not just kids.

Goal 3: To develop a high-quality trail system.... We agree with item # 28 to encourage membership in club's. The

experience with snowmobiles gives hope. There are no club's on this island. ATV owners will need help and inspiration from "ATV Maine" and the Dept. of Conservation in order to embark on the effort it will take to establish a club. There is so much resentment, fear and outrage over the irresponsible use all over this island, that trying to establish an ATV club, and an authorized trail may be impossible until Goal # 4 has been implemented

effectively, and ATV owner's and riders attitudes and behaviors have changed.

Goal 4: To insure ATV riders are aware of ATV laws, ethics... Education is, of course, an absolute necessity. All the *bullet* items will help. Along with items # 42 and 43 (on p. 16) which we support, we strongly support and emphasize items on page 17 under # 46 and its *bullets*, in particular *Establishing an effective educational program to reach youngsters in schools.* With the support of the Principal for the island's Elementary School, the

Stonington Conservation Commission is planning a program for that age group in hopes of encouraging responsible, law-abiding use, and respect for the land, and for private and public property rights. This should be an on-going, probably annual, series of programs. The additional educational efforts the Task Force will establish, along with the materials you will distribute, and with the help of a multimedia campaign, and etc., we hope ATV owners and wanna-be's will be reached. We can hope that such an important program will include on-going assessments toward any improvements needed, and that it will be effective in getting the message out, understood and respected, and that the entire program will be adequately funded.

We applaud the Governor for his foresight, and we thank you, again, for your much appreciated efforts.

-----Original Message-----

From: Brian Krampert, Central Maine ATV Club [mailto:briansue@tdstelme.net]

Sent: Saturday, November 01, 2003 12:02 AM

Subject: Tires with deeper than 1" lugs

I'm an ATVer, landowner, use my ATV for light logging, and I'm a recent ATV club member. I ride responsibly and I use tires with lugs deeper than 1" (26" ITP 589s- 1 1/2" lugs). I'm forced to use them because of blue clay mud that immobilizes my utility ATV. Without those tires my ATV is useless on the trails in my area (Fairfield Center).

I write this to inform you that the tires are NOT the problem, but the rider is.

My neighbor and I have used our local trails for 10+ years, long before any clubs were even contemplated, or trails swamped through. In those 10+ years we NEVER hurt any of them and I've always had aggressive tires. Aggressive tires grab and in so doing (if they're working right and the rider knows what one is doing) does little or no trail damage. My neighbor and I have always stayed off of the trails during mud season too, long before we had a taskforce to advise it.

Allow me to tell you a true story.... In 10 years my neighbor and I have not damaged the local trails, that is absolutely true. One Sunday I went for a ride by myself on the local trails, trails that my neighbor and I have used all this time. As I made my way I ran into half a dozen or so ATVers covered in mud. By knowing the trail they were coming out of, I assumed they had been to Lost Brook Bog. Their words when we talked confirmed that. They had traveled over 3 miles of the bog, digging and chewing their way through the whole length and back out again by the same route. They needed gas so I told them to follow me as I could get them to Rt. 139 so that they could get gas by auto. One of them said, "There is a he** of a mud hole that way." I thought little of it other than to tell them that the mud hole wasn't really a mud hole, and by just taking it easy it was easily crossed. My neighbor and I had crossed this "mud hole" many many times without damaging it. I got to the mud hole first and immediately high centered my ATV. Just the week before it had no ruts in it, now it had ruts at least 9" deep. I got towed out of the way and decided to watch these clowns. I sort of figured that they'd done the damage as this particular trail has little or no traffic. They commenced to "hit" the, what had been only a wet hole, at least 20 mph, every one of them. The whole time they had their throttles pegged and their tires were on screech. They had turned the wet hard bottomed hole into soup in one day. Their tires were non-aggressive types, the better to spin them at high speed. They thought they had to go at full throttle in order to conquer the hole. They destroyed that wet hole and made it largely impassable. My neighbor and I never damaged it in 10 years and I have the type of tires you look to ban. Again, I need them in order to negotiate blue clay mud with my utility machine without damage to the trail.

Does it make sense to ban tires that if used correctly yield much lower trail damage than less aggressive tires? I think not. The difference is the traction of the tire and rider skill. Banning aggressive tires isn't the answer. Stopping folks from spinning their tires is what you need to stop regardless of lug depth. It's an education problem, not a tire problem. On a ride with the local club (Central Maine ATV) we hit some of those clay mud holes. I never spun a tire, producing NO trail damage. The folks with non-aggressive tires spun tires in those mud holes and DID damage. I witnessed it first hand and anyone on that ride will verify this. Aggressive tires ARE NOT the problem. Everyone at that ride saw the difference in the handling of my utility machine with its mud tires and theoretically better trail machines with trail tires. The types of tires your taskforce wants to ban on one hand, and embrace on the other.

The problem is that in my reading of the proposals you all plan to embrace the destructive and ban the non destructive. Could I destroy trails with my tires? I'd be willing to believe I could if I had a mind to, my machine certainly has power enough. The point is, I don't, and pretty much anyone having those tires has them so that they can negotiate mud holes that the tires are designed to handle. They don't work well if they are slipping, only when they are in contact with the ground and NOT slipping do they work best. They work pretty much the same as a snow tire on your car, the point is not to lose traction and in that mode they don't damage the land. That's the whole point of the tires, to maintain traction and not slip.

If my tires are made illegal all it would do is to increase the destruction of the local trails here in Fairfield. I'll still get through with the winch and with additional destruction of the trails (spinning low traction tires) and you'd have yourselves to thank for that. If it were to occur I'd pull out of the local club realizing that we'd been set up for trail destruction by the taskforce, and I don't want to pay to fix trails destroyed by bureaucratic fiat. Let the state pay for that since they would have had a hand in it.

Please consider my words. The tire lug depth isn't the problem, inexperienced riders with poor equipment for the existing trail is the problem (and not enough brains to realize it). My advice, (written tongue in cheek) is to have some mud runs where poor riders learn that the way to negotiate a mud hole is at full throttle, and dictate that they have low traction tires so that their tires can rotate at 60 mph while their machines are moving at 5 mph. Surely, that'll have the effect you desire on the land. In just a few short years we'll have NO land to ride on.

Why punish responsible riders with aggressive tires for the few riders without brains and politically correct tires?

It would make far more sense to mandate rider education, an ATV drivers license if you will. The riders who destroyed that wet hole in my true story were all above 21 years of age, they need education. Include much stricter age requirements than what exists at present, probably similar (I'd prefer stricter) to what exists for autos since adolescents are using them on the roads as cars. I personally have no problem with adults having them on the roads since they know the rules of the road and ride them responsibly. I learned to ride at one of the ATV

education classes, others can also. Mandate it. ATVs can certainly be destructive, folks need to know how to use them safely and non-destructively. They need to be taught.

PS. FWIW, If my 1 1/2" lugs are "evil" on my comparatively lightweight machine what are you going to do about the lugs on the Ag tires on the heavy tractors that are used to maintain the trails? I demand reciprocity in the idea of fairness. If my tires are no good neither are the tires on the tractors. I hope you understand that it's in the way the tires are used and not because a lug is a certain depth? I hope I got that idea across in this e-mail. I certainly don't want to see the Ag tires taken off the trail maintenance tractors (or my machine).

From: Bannen, Tom, Falmouth [mailto:Tom-Bannen@idexx.com]

Sent: Friday, October 31, 2003 1:30 PM

Subject: Feedback for the ATV task force

Thank you for giving me the opportunity to provide feedback on the ATV task force goals and recommendations. I would like to express my opinions in hopes that it will be shared at the public forums and taken into consideration at the next step of gaining support and commitment.

First, I agree with all four goals the task force has come up with. Second, I agree with the spirit of all ten key recommendations that are listed on the IFW website link. Within these ten recommendations, I see that a few of them I can strongly support. These are:

1) The requirement of having landowner permission to operate an ATV. However if permission is going to be presumed on authorized trails, then it should be well documented and regularly updated where these areas are located. I would also support that the permission to operate NOT be verbal in nature on private lands. A verbal agreement is difficult to prove if both parties are not present.

2) Higher fines for violations - Set at least as high as the cost of enforcement and prosecution, or even higher as a deterrent. If the fines are set lower than this, enforcement might be a weak effort in order to remain within budget and time constraints.

3) A mud season closure. If possible, might it be possible to extend this to a waiting period of 48 hours after rainfall of 1" or more?

4) If a law is violated, impoundment of the vehicle. But only if the majority of the cases can result in a permanent seizure of the vehicle. If a seizure is not the end result, this would merely be an inconvenience to the violator rather than a deterrent. And the efforts to impound will not be expended by those responsible for enforcement if the costs of processing a violation aren't being recovered.

5) Liability insurance. The nature of ATV use is similar to automobiles and the likelihood of

damages resulting from their use is much greater than boats and snowmobiles.

Within the ten recommendations noted above, there are a few I can have lesser support for yet still agree with in spirit. These are:

- 1) Violations affecting a drivers' motor vehicle record. The effort of documentation and communication with DMV - will there be real follow-through?
- 2) Discount registration for members of ATV clubs. Are the clubs organized enough to provide controlled proof of annual membership?

Again, thank you for the opportunity to provide feedback. This is a subject matter that is best to have solicited thoughts from as many people as possible - including those who cannot attend the public forums.

-----Original Message-----

From: Roland G. Marcotte, South Portland [mailto:rgmarc@worldnet.att.net]

Sent: Monday, November 03, 2003 2:15 PM

As an ATV owner (and SWOAM member), I consider the new registration cost to be excessive and some of the recommendations by your Task Force to be unfairly punitive. It should be known that not all ATVs are used for pleasure riding on trails. I realize that something has to be done to reduce the damage that irresponsible ATV owners have done to private lands, but as one who uses his as a tractor on my own small woodlot in Salem Twp., I should not be made to pay for someone else's sins. Perhaps another registration category for ATVs (similar to that for farm tractors) could be established?

-----Original Message-----

From: Dave Anderson [mailto:atvdave@suscom-maine.net]

Sent: Monday, November 03, 2003 12:33 PM

Subject: My point of view

My Name is David Anderson and I live in Topsham. I own 170 ac and allow anyone to use my land as long as they respect it. I ride ATV's and belong to the Topsham Trailriders ATV/Snowmobile club. I've been to a few of your meetings and appreciate all the hard work you have put into this. Here are a few view points on only thoughts recommendations I see could use a little shaping.

#10 Since I'm the Trail master for my club I can see where this is coming from but insure you that all the treads out there can do the same amount of damage. I have such tires and do not dig up the trail since I'm the one responsible to repair them. It's just like the old saying (GUNS KILL PEOPLE) no (PEOPLE KILL PEOPLE).

As far as the law enforcement issues, I stand behind you on all of them but do not understand why you are overlooking assets that are free and already out there. You have clubs with assets (ATV's) out there working these issues already. Use them! The state of Wisconsin has a program doing just that and it works. It's called the "Trail Ambassadors program". Call that state and find out more info and see if we can do the same here.

#25 The sticker identification seems to be the best fix to me. The big thing is no one seems to give it any mind if you are not registered.

#26 The whole problem seems to be there are not enough trails to keep people out of where they are

not wanted. So let's give them the trail system they want. This will also bring big money to our state. Do you think all that money generated from snowmobiles comes from the people in Maine or from other states.

#28 The Idea of giving brakes to club members is a great idea. This will get the people to get involved and allow peer pressure to do the task of patrolling each other. We use our club to find out who are problems are and take care of them at our level. Also, why can't you register your ATV right at the dealership? One more thing that we are missing out on is registration from people from other states. I've been at the local dealership when people come in on Saturday and want to register there ATV for the weekend and all the dealership can say is you'll have to wait till Monday and go down to the town office to do that. All these people say is to heck with that I'll just ride and not pay anything and walk off. Let's get the registration in the dealers hands and have a out of state yearly and monthly registration available to fix this problem.

#32 Multi-use trail do work. We have them through out our town and mountain bikers, hikers, ATV'ers, horse back riders and bird watchers all use them.

#36 I know this is going too slow at implementing this program. All new ATV buyers are offered free training when they purchase their machines. Make it mandatory they ate this course within one year of they will not be aloud to register and ride the following year. What ever it takes get these people and the existing ones the training they need ASAP.

#44 Wisconsin's "Trail Ambassadors program" again.

#46 The DOC has already made and distributed a tape called (YOU MIGHT WANT TO THINK) to all the schools. I bet if you check very few have ever shown this tape to the students. I checked with SAD 75 and they didn't even know this tape existed. And they have no idea where it is. What a waste of time and money. So if you go to all the expense of creating assume movies and things like this you should also make sure they get used!

One last thing I would like to bring up: Why is it not required to have brake lights on an ATV? It only make sense to know when the person in front of you is STOPPING!

What is a "Trail Ambassador?" A Trail Ambassador is a volunteer trail patroller. This person is trained by the nonprofit organization according to department standards to help ATVers while riding on the trail. Trail Ambassadors are trained to act as role model for other ATVers to follow, distribute regulations & information; assist stranded ATVers and report violations if problems cannot be addressed through on site education. The trail Ambassador is a police yourself tool that is widely used in other community projects. Two well-known examples of this type of volunteer effort are the Neighborhood Watch and Wisconsin 's Sturgeon Watch.

Are Trail Ambassadors law enforcement officers? No. The volunteers have no law enforcement authority. Although Trail Ambassadors will wear identification that makes them highly visible, the identifying vests are used as a visible deterrence and for recognition only.

How can I become involved? You can inquire about becoming a safety instructor and Trail Ambassador by visiting the nonprofit organization NOHVIS (National Off-Highway Insurance & Services Group Inc.) on the web, email randy.harden@nohvis.com or by contacting the department at 608-267-7455.

With department and NOHVIS training, entire clubs have had members become safety instructors & Trail Ambassadors and in turn, they have reaped the benefits of their efforts. In a short time period we can get you involved promoting safe ATV riding and in a manner that will help sustain and improve your sport...as the saying goes, "Ride Smart, Get Involved, Tell Others."

-----Original Message-----

From: Ronald Barnes, Wiscasset [mailto:BarnesRD@SUPSHIP.NAVY.MIL]

Sent: Monday, November 03, 2003 12:39 PM

I agree with most of the recommendations. The one recommendation I am against is making ATV violations count as points against a driver's license. ATV's are used as off road recreation and in no way should an infraction count against a persons' motor vehicle license for their car or truck. I would suggest a separate drivers license for an ATV as well as the recommended liability insurance. The ATV OUI should be part of a driver's motor vehicle record. Why not do the same for snowmobiles?

While I agree that ATV owners need to get landowners permission to use their land, I hope the Taskforce has recommendations to make it easier for ATV owners to get the name of the landowners. Thank you for allowing me to give my input to the ATV Taskforce Recommendations.

FROM: Hugh Crammond, Management Forester, Irving Woodlands LLC,

SENT: November 4, 2003

The use of ATV's has been on a steady increase in Maine over the past 10 years. This has resulted in the need for the State of Maine to address a number of issues regarding the use of ATV's. The taskforce has addressed the areas of concern including landowner protection, law enforcement, environmental degradation, and safety.

It is the opinion of Irving Woodlands that the taskforce has thoroughly reviewed these issues and has developed a number of bold recommendations. The taskforce had representation from a wide variety of stakeholder groups including: landowners, law enforcement, environmental advocacy groups, ATV clubs, State agencies, and safety and education expertise. We are in support of this process and strongly agree that something must be done to address landowner concerns about safety and environmental degradation

It must be emphasized, *"The privilege to operate an ATV on the land of another requires the landowner's permission."* If these recommendations are going to be successful, ATV clubs will have to be extremely diligent to obtain landowner permission and have a cooperative attitude to work with landowners to maintain a safe working environment for people making a living operating on these lands and people recreating in the same areas. Cooperation is a key point that must be kept in mind at all times to achieve a successful ATV trail system.

ATV clubs must remember that permission to operate on a restricted corridor does not give permission to operate an ATV anywhere on the ownership. It will be extremely important that ATV clubs realize, *"ATVs are restricted to those trails or areas open to ATVs by the landowner's policy."*

Irving Woodlands has been very cautious of allowing a trail system to cross our ownership for this reason. Enforcement activities and appropriate penalties must be in place by clubs and local law enforcement organizations to ensure that ATV operators are following the landowner's wishes. It must not be a burden on individual landowners to ensure that ATVs are only being operated in the designated areas. Enforcement will have to be a top objective of the ATV clubs.

A safe and environmentally appropriate trail system must be developed. Protection of our rivers, streams, and lakes must have the up-most importance. An ATV trail system must meet the environmental standards of individual landowners. ATV clubs must follow the requirements of individual landowners when

developing and maintaining the trail system. The recommendations of the taskforce for higher fines, making ATV violations count as points against a driver's license, and any violation of a criminal ATV law resulting in impoundment of the ATV will increase the safety of the trail system. The safe and ethical operation of ATVs must be a continual message from local clubs and State ATV organizations.

Funding will be a key issue that will lead to the success or failure of these recommendations. The members of the ATV Taskforce have put a good effort into developing their recommendations. To enact these recommendations, the State must be willing to secure an adequate funding source to support safety, trail development, and enforcement activities. It will take the effort of the Administration, State agencies, landowners, and ATV enthusiasts to work together to achieve an acceptable trail system across the State. This trail system has the ability to bring economic returns to the State of Maine. It will take leadership and cooperation to help resolve issues and concerns that lie ahead and get the ATV trail system off to a good start.

-----Original Message-----

From: James A. Rintoul , East Longmeadow MA [mailto:Jarintoul@aol.com]

I am a member of SWOAM, own 95 acres of woodland in Dixfield, and am a resident of Massachusetts. I am submitting written comment per the article in the November issue of the SWOAM newsletter. My land is open to hunting, snowmobiling and ATV use to all. It is crossed by an abandoned county road "over the hill between Dixfield and Carthage." I do not object to responsible ATV traffic but would like to be protected from liability as I believe Maine law covers other outdoor recreation on property of others. I would hope you could incorporate the same protection in any ATV legislation. This would encourage me to allow others to use ATV's to cross my land. Also, a member of our hunting party brings an ATV from out of state to Maine for one week a year to use for hunting purposes. I would hope you would keep the cost of this temporary use within reasonable limits.

-----Original Message-----

From: HarryEDoughty@aol.com [mailto:HarryEDoughty@aol.com]

Sent: Wednesday, November 12, 2003 9:35 AM

To: rscruggs@megalink.net

Subject: Re: FW: Comments

Thank you for the opportunity to comment on the proposal. I would first like to comment you on a good document. If this kind of insight and work had been done years ago, the State wouldn't find itself in this predicament today.

My comments are brief and from the perspective of a former Forest Ranger and also a citizen who has used and owned an ATV for 15 years.

#3 - There are farmers and land owners who own and register ATV's that use them like a small tractor on their own land. Only occasionally, if ever, operating on land of another.

How about "all registered ATVs"?

#8 - Maine is 90% wooded. Most of that is private woodland and one could assume that it is could be classified as a "woodlot". Is there a better definition of what the intent is?

15 - Great idea!

#28 - Okay - I have an ATV. It hasn't been off my land in four years. I use it to haul fire wood, spread grass and grain seeds, haul bushes and grass clippings, etc. If I have to pay \$50 to register it, it will not be registered. Also, why join a club to save \$17, then never attend meetings or work sessions? Who gains by that? Does it cost to join a club?

License fee hikes work both ways. As long as a fee is reasonable, people might buy a license and feel like they are contributing. If the fee is too high, they don't buy anymore. I believe that is one reason why the number of hunting licenses have dropped.

I realize someone has to pay, why not have the fines for ATV violations be targeted to trails, enforcement and mitigation of problems? That puts the onus on the ones causing the problems.
How about positive posting of land? ATVs are prohibited from private land unless the land is posted open to ATV use. The posting could list conditions pertaining to that particular piece.
This is a tough issue. I wish you luck. Looks like things are headed down the right track.

-----Original Message-----

From: Jeremy Burkard [mailto:jburkard@megalink.net]

Sent: Tuesday, November 11, 2003 2:55 PM

To: 'ATV.Taskforce@maine.gov'

Subject: ATV comments from Bolsters Mills

Nov. 11, 2003

Dear Task Force Panel,

I have been reading about all the changes to the ATV laws and safety education programs that you propose and I am glad to see that there is a recognized problem and that serious solutions are being proposed. Enforcement of these new laws or the existing laws seems to be paramount to changes in the use of ATVs in the State.

I live in the Village of Bolsters Mills and we have a problem with ATVs here. Half of our Village is in the town of Otisfield, Oxford County, and half is in Harrison, Cumberland County. The Crooked River runs through the Village with a bridge in the middle of the community. The Portland Oil and Gas Pipelines run a half mile north of our Village, under the river, and then about a quarter of a mile east of our Village. We are within a mile of a power transmission corridor and have numerous dirt roads in the area, the closest of which is a half mile from the bridge. We also have a general store beside the bridge, in the center of town. People travel the Pipeline, the dirt roads, and the power line corridors with their ATVs and constantly come down the roads in the Village to either get to the store for gas, beer, and sundries or to cross the river on the bridge.

One Easter Sunday about two years ago we had more than 65 ATVs travel illegally on our roads to shop or to get to another trail. That's when our battle with the vehicles really started. We have had some success with law enforcement, most notably the Oxford County Sheriff's Department and the Warden Service, but it's taken some real battles on our part and now it's a good weekend if during the warm weather we "only" get two dozen ATVs through here on a Sunday.

One of our biggest problems has been that Villagers on either side of the river can only call their own county's Sheriff's Department and if the ATVs cross into the other county while you are calling your own Sheriff's Department you are told that the first department can do nothing about the problem. That sent us to the State Police where we have been told that there simply aren't enough officers on duty over the weekend to have any luck with catching anyone. By the time an officer (either police or sheriff) travels here from Hiram or West Paris the ATV is bound to be gone. We did have a Cumberland County Deputy here for a while in the Village checking for speeders but he did nothing about the ATVs being unregistered or traveling for more than a half mile down roads or on sidewalks. I personally have also had to argue with State Troopers about the ATV laws.

One seemed to think that an ATV may travel 300 yards down a road to shop. He was an ATVer himself and knew the law! We also had a couple of troopers sitting in the middle of the Village one night when an ATV traveled more than a mile on our roads. My husband went to talk to the officers and was told that the ATVer was "behaving himself" because he wasn't tearing down the road and was traveling to the right. I didn't think that anyone breaking the law could possibly be behaving themselves. We also called the Warden Service

office in Gray. We were told to take down plate numbers and call the Service with them. Fully two-thirds to three-quarters of the ATVs and dirt bikes through here do not have plates. The Wardens were nice about taking the few plate numbers that we did get.

WCSH's Bill Green did a story on ATV problems a while back and in frustration I wrote to him to explain our problems and let him know how really bad it could be out there. It wasn't just destruction of property but outright disregard for the law and then battles with law enforcement. He forwarded my note to a member of the education department of the Warden Service who then got in touch with Sergeant Warden Tim Place. He was kind enough to take my letter to heart and has been wonderful about sending the warden for Otisfield and Harrison out here when things get particularly bad. One problem we do have now is that while we used to be able to contact the Warden's office in Gray and get a person to speak to, that office is closed on weekends now and we were told to get in touch with the State Police!

I was recently told about the Warden Service confronting a problem in Standish. They had a warden sitting on an ATV and as illegal riders came through he took down plate numbers or descriptions if there were no plates.

Twenty six warrants were handed during that operation. I don't know if this is true, but it certainly sounds like a good idea in problem areas. So from one Village's perspective, here are the problems that we see.

The vast majority of the ATVs that we see are not registered. ATVers regularly travel over the distance and speed limits on roadways and frequently travel down the center of the lanes, over sidewalks, and tailgate cars and trucks. Many of the ATVers are under age. They are kids that we see out waiting for the elementary school bus in the morning. They do not travel with adults and are traveling on major roads with tandem logging trucks and tractor-trailer rigs. Law enforcement doesn't always take us seriously or even know the ATV laws. Sometimes it is just plain difficult to get hold of an officer or warden.

More money is needed for good and consistent enforcement of existing laws and proposed changes. That would certainly be wonderful for those of us who have real problems with this issue.

Pat Burkard, Otisfield,

-----Original Message-----

From: ray nichols [mailto:pipersledge@earthlink.net]

Sent: Tuesday, November 11, 2003 2:44 PM

To: ATV.Taskforce@maine.gov

Subject: ATV regulations

Regarding the Governor's ATV task Force:

- ATV riders and owners should be held accountable for their actions, just as any car or truck driver.
- ATV's should be registered and inspected yearly.
- Drivers need to pass a written and driving test.
- Liability insurance should be mandatory.
- All moving violations should apply, including OUI, and fines/jail be considered.
- Any violation of the ATV laws should result in the impoundment of the ATV and a revocation of the license to operate.
- Age limits and helmets should be required.

Thank you,
Beverly and Ray Nichols, Jonesport,

-----Original Message-----

From: dickhoyt@maineline.net [mailto:dickhoyt@maineline.net]
Sent: Monday, November 10, 2003 4:42 PM
To: ATV.Taskforce@maine.gov
Subject: new regulations

Dear Folks,

Please, please do not permit multi-use of current hiking trails in Maine. Hiking is a time of quiet and solitude. ATV's and snowmobiles destroy both. Their use is absolutely incompatible with non-motorized recreation. I most strongly urge you to keep motorized recreational activities restricted to already established areas and to respect the integrity of non-motorized recreational activities.
Thank you for your consideration.

Richard C. Hoyt
473 S. Lubec Rd.
Lubec, ME 04652

-----Original Message-----

From: gene maxim [mailto:gmax@prexar.com]
Sent: Saturday, November 08, 2003 9:24 PM
To: ATV.Taskforce@maine.gov
Subject: Comments

The team did an excellent job of coming up with suggestions that will help mitigate the increasing numbers of problems caused by ATVs. Protecting and supporting landowners should be a primary goal for without their cooperation there will be fewer places to ride, or perhaps no place to ride.

Signs listing the top 5-10 points of trail etiquette could be developed to post at trail heads. Many riders will not read brochures handed out at time of registration. No ATVs signs should also be made available for a reasonable fee to land owners who wish to post their land.

Those who belong to ATV clubs probably cause few if any problems for landowners. The majority of problems are probably caused by the lone wolf types and the under age 30 riders.

I feel strongly that those who are creating the problem should fund the solution. If that means higher ATV registration fees and stiffer fines to pay for increased enforcement personnel and damage reimbursement, then so be it. ATV riders will eventually catch on that they can help keep fees down by acting responsibly and helping to police their own. Money saved on enforcement could be put into trail development. Peer pressure can be a powerful influence. Effort spent on ATV safety and ethics education will prevent many problems and will result in money saved in the future.

ATV riders need trails to ride on or they will become frustrated and go where they are not wanted. They need current maps showing trails. Maps can also list the key points of trail etiquette. Maps could list names of businesses that cater to ATV riders. Businesses might pay a fee to be listed thereby helping to subsidize map printing costs.

IF&W could also charge a fee for a Special Trails decal that would grant access to some limited use trails. If you don't have the decal on your ATV and you're on that trail there would be a substantial penalty.

I support very stiff penalties for alcohol use and for reckless damage caused by ATV riders.

ATV registration numbers need to be large and displayed front and rear so offenders can be identified.

I support penalties for littering on trails.

IF&W should have a toll free number that can be called to report those causing property damage and maybe even pay a reward. Similar to Operation Game Thief.

I support the posting of trails in mud season. I live near a trail that is supposed to be closed to ATVs but no signs are posted so ATVs use it. Use seems to be much higher in the spring than it is in the fall. There are still ruts in the trail from this past spring.

I also support the idea of limiting tread depth to help control trail damage. It seems some ATV tires are very aggressive and hard. Softer, wider, lower pressure tires would reduce trail damage.

My final comment is: "Usually when new rules come into being it is because too many have not been doing the right thing."

Gene Maxim
99 Windsor St.
Randolph, Me. 04346

-----Original Message-----

From: David Clement [mailto:clement@midmaine.com]

Sent: Thursday, November 13, 2003 7:55 AM

To: ATV.Taskforce@maine.gov

Subject: ATV Recommendations

I agree with the proposed recommendations. They seem complete and fair. I hope action on these will move quickly. David Clement, Orono,

-----Original Message-----

From: Glenn Dow [mailto:glennn@gwi.net]

Sent: Wednesday, November 12, 2003 8:38 PM

To: atv.taskforce@maine.gov

Subject: atv

Greetings,

I would like voice my opinions about some of the items on the proposed ATV recommendations.

I feel very strongly against parts of item #25:

- 1) ATV violations count points against drivers license
- 2) ATV OUI on drivers motor vehicle record

I have no violations and do not drive the ATV while impaired, the operation of my ATV should not effect my drivers license.

I also feel very strongly against item #41, recommending that helmets are worn by all ATV riders. I wear a helmet when conditions warrant and do not want to be told when to do so.

I very strongly recommend that item #27, distribution of ATV revenues be returned to ATVs, similar to

snowmobiles.

Lastly I very strongly recommend that item #33, use of federal transportation funds for multi use trails to include ATVs.

Thank you for letting me voice my opinions,
Glenn D. Dow
Madison, Maine 04950

-----Original Message-----

From: Peter and Linda Wohl [mailto:pwohl@midmaine.com]

Sent: Wednesday, November 12, 2003 7:57 PM

To: ATV.Taskforce@maine.gov

Subject: Comments on your recommendations

I have read the recommendations of the Task Force and heartily endorse them. Here in Hallowell there are trails that have been so deeply rutted by ATVs that I cannot pass them on my mountain bike and I believe that they will

even be unusable by snowmobiles, unless we have an unusually deep snowfall. If that degree of rutting was caused by a forestry operator, I am sure that they would be legally penalized. In light of what I have witnessed, I feel that the ability to seasonally restrict use is particularly crucial.

I am also concerned that because of these same few persons, more and more landowners are posting their land to all recreational use. As an individual who enjoys the woods year-round I greatly value the relatively free access that we enjoy here in Maine and feel that the irresponsible use of ATVs threatens all outdoor recreation in the Maine woods.

I recognize that it is only a small percentage of riders who are that irresponsible, but I believe that because of those persons the restrictions you propose are necessary and overdue.

Peter Wohl
18 ½ Page St.
Hallowell, ME

-----Original Message-----

From: David Fuller [mailto:cafdrf@suscom-maine.net]

Sent: Wednesday, November 12, 2003 7:32 PM

To: ATV.Taskforce@maine.gov

Cc: 'Bicycle Coalition of Maine'

Subject: public comments

I think the goals and recommendations of the ATV task force are fine. I'm concerned about the ability (and inclination) of local and state law enforcement personnel to enforce them.

Back in the 70s, a lot of the same concerns were expressed about snowmobiles. Fortunately, today we have a very effective system for assuring snowmobiler compliance, thanks to very active snowmobile clubs, good law enforcement, an excellent interstate and international trail system, and most importantly, an environmental ethic shared by most snowmobilers.

Unfortunately, I don't see the same environmental ethic among ATVers. Perhaps it's due to ATVers having essentially a year-round season, and in all months they can do incredible damage to trails. ATVers, much more than snowmobilers, ruin the cross-country ski experience by creating deep ruts in trails. They start this process in the warmer months, creating severe erosion. Not to mention the air pollution from the engines (a

problem shared with snowmobiles) and the noise. While I think the snowmobilers have done as good a job as can be expected, I'm still offended by the odor of snowmobile exhaust on a cold winter's day of cross-country skiing. I'm also offended by snowmobilers' general lack of respect for cross-country ski trails. Still, I chalk most of that up to ignorance, and we all have to co-exist in the Maine winter countryside. I have to admit I like following snowmobiles after a deep snowfall. It's much easier to break trail. ATV's are a different matter. Their ability to go anywhere, any season, creates a lot more environmental damage and just plain nuisance. Maine can't afford to police all the potential ATV damage areas. We need to have strict laws in effect, and throw the book at offenders, including jail time and public exposure. Anybody who has ventured into the Maine woods knows first-hand the damage already done by ATVers. The few offenders who get caught need to be made examples of for the 99% who won't be caught.

If it were up to me, I'd outlaw the abominations. It isn't up to me, and politically impossible to do, so I vote for the strictest law enforcement we can have.

David Fuller, Bowdoin

-----Original Message-----

From: Frederick Gralenski [mailto:gralf@midmaine.com]
Sent: Wednesday, November 12, 2003 7:14 PM
To: atv.taskforce@maine.gov
Subject: atv stuff

I agree with the 46 recommendations, some more than others. One of the items left out was propaganda. I suggest #35 have advertising added to it. What I mean is that the three most sacred things we have here are air, water and soil. Atv's can damage all three. All ATV ads show someone charging through the mud, splashing water, or digging up dirt. We have to counteract these ads, because they give such actions a sense of legitimacy. We have to convince the riders that these actions are not cool, they suck. We have to change the mindset that an ATV all covered with mud is not a badge of accomplishment, it is the sign of a selfish idiot.

-----Original Message-----

From: scott barry [mailto:ace_of_spades@verizon.net]
Sent: Wednesday, November 12, 2003 5:22 PM
To: ATV.Taskforce@maine.gov
Subject: atvs

We pay 8000.00 dollars for a brand new atv, and the only place you can possibly go is up north. like i told some friends of mine i would pay a 1000.00 to an atv club a year if i could ride all year long, and not just up north. some areas in Augusta and south would be good. i read the recommendations and they look pretty good to me. just get us ridding all year long legally and ill be real happy. i can't afford to buy a good sled but i have a good atv. Thanks for reading this, Scott

-----Original Message-----

From: Carolyn McCaughey [mailto:Carolyn.McCaughey@plumcreek.com]
Sent: Wednesday, November 12, 2003 4:04 PM

Comments Provided For

The Governor's ATV Task Force

By Douglas Denico

For Plum Creek Timber Company

November 12, 2003

Background:

Plum Creek offers sportsmen free and very open access to its 905,000 acres of forestland in Maine. Plum Creek believes in this long-standing opportunity and has every intention of continuing its current policy.

Plum Creek allows ATV use on its forestlands but continued expansion of this sport is now presenting us with concerns, which can hopefully be addressed through the Governor's ATV Task Force.

Below, Plum Creek has listed its suggestions under each of the four recommendation categories listed by the ATV Task Force.

Recommendations to protect landowners:

#1. We recommend that ATV use be by **written** permission in those instances not covered by either a landowner's policy or existing authorized ATV trails. We doubt if verbal permission will give enforcement personnel the control they require.

#4. Damage mitigation needs to be expanded to include other resources such as wetlands, shore lands and water bodies. Plum Creek has had to mitigate damage along streams resulting from inappropriate ATV use.

#6. Closure for ATV use should be based on conditions rather than a season. Damage from ATV use can be as severe during a wet June as in either April or November.

Recommendations to improve law enforcement (general statements):

Law enforcement costs should be born by ATV users. Landowners shouldn't have to pay for protecting their resources. The warden service is the logical "lead agency" but they're very valuable other services shouldn't be diminished by peripheral responsibilities like ATV, or snowmobile enforcement. Strong enforcement will be necessary to counter the high frustration level existing within the landowner community. Fines and mitigation costs should be assessed for intentional environmental damage.

-----Original Message-----

From: A. Graves [mailto:agraves@maineline.net]

Sent: Wednesday, November 12, 2003 11:45 AM

To: ATV.Taskforce@maine.gov

Subject: ATV Task Force Recommendations

Gentlemen:

I have read your task force goals and am concerned with the following problems:

You don't have any true economic protection for landowners whose property is trespassed upon or used without permission. At the present time district attorneys can refuse to bring actions for trespass. I have a friend whose

apple tree was cut down as a spite action, and the district attorney refused to prosecute. I have had my land damaged by unknown persons. I would think that any trail use would have to be with written permission from the landowner and that the state would be responsible for bringing an action against any person the landowner can identify as trespassing on his property. There should be a fine of not less than \$500.00, which would be payable to the landowner for simply operating on his land without written permission, and that fine should be doubled if the land is posted or the operator of the ATV has been notified not to trespass on the land. These fines should be collected by the state and turned over to the landowner in addition to any fine that is going to the state. The landowner should also be paid for any damage, including any reimbursement for time that he has had to spend concerning the prosecution of these cases.

I, of course, am getting old and for health reasons must walk. I have enjoyed walking on Federal parkland. I enjoy the quiet and the peace and the nearness to nature. I find machinery speeding along trails not only

frightening, but as diminishing the healthful benefits of hiking. I see ATVs driven by small children at excessive speeds on the main highway and very rarely see any prosecution for that. Here in Maine I have seen areas where ATVs have been driven along highway rights of way where the land has been worn down to dirt ruts and there are runoffs and erosion. Outside of Maine I have seen areas where ATVs are used indiscriminately, especially on sand dunes. The areas are denuded, just by the wheels, and then the wind continues and turns a four-foot trail for an ATV into a large area where the wind has blown the sand onto adjoining land, destroying vegetation and creating fairly deep pits.

The warden service should be required to enforce these provisions independently, and if a complaint is made by a land owner or other person who complains of a violation.

Were there any private citizens or private landowners on this committee?

Lastly, Maine is admired for its beauty and its peace and quiet. ATVs are simply toys for the power hungry to make noise and disturb the public in general.

Yours truly,
Alan D. Graves, Machias

-----Original Message-----

From: Melissa Halsted [mailto:melissa-halsted@me.nacdn.net.org]

Sent: Wednesday, November 12, 2003 10:42 AM

To: ATV.taskforce@maine.gov

Subject: ATV recommendation comments

October 22, 2003

To the Members of the Governor's ATV Task Force;

Let me begin by commending you for efforts to bring about a solution to the ATV issues affecting the State of Maine. This is a sticky issue and I am pleased to see how fast you were able to develop recommendations and how thorough the recommendations are. Below are my comments about the recommendations listed by item number.

#4: I would like to see damage to shoreline or to stream banks specified under this recommendation. Is this on authorized or unauthorized trails or both? Who will be the authority to decide on the allocation of the mitigation funds? What will be the process?

#7: I am glad to see this addition.

#18: Will there be an increase in staff to go along with this?

#28: What if a local association does not exist for an owner to join? Is there a provision for helping new clubs to form?

#30: The Kennebec SWCD is already working toward this goal and I look forward to continuing this effort.

#46: Could you add information about environmental damage to this task? I see three issues, laws, safety and environmental damage. The other two seem to be adequately covered.

General Comments: There are many charts in the document. I did not see anything showing number of reports of damage to property or other environmental damage. Do you have any idea of the extent of the environmental problems caused by ATVs? Based on experience, I have an idea it is extensive. A possible

additional recommendation might be to assess the extent and nature of the problem. The Kennebec SWCD has completed several NPS surveys in the past that could be tailored to look at ATV issues. I also do not recall seeing any reference to problems associated with power lines and pipeline trails. Have the utility companies been involved in the process.

Thank you for the time you have all put into these recommendations. Also, thank you for the opportunity to comment on the draft. Please contact me if you have any questions.

Sincerely,
Melissa Halsted
District Watershed Project Manager
Kennebec Soil and Water Conservation District

-----Original Message-----

From: Sargent, Gregory J. [mailto:Gregory.Sargent@mbna.com]

Sent: Thursday, November 13, 2003 9:19 AM

To: 'rscruggs@megalink.net'

Subject: re ATV task force

Good morning,

I think most reasonable naturalists are not against ATVs per se, but rather against the noise and pollution they emit. Focusing on the noise and pollution aspect where possible is a great, non-divisive way to frame the debate.

For example, where ATV use is allowed, mandating 4-stroke engines (significantly cleaner and quieter than their 2-stroke counterparts) is a great step in the right direction.*

Another "heart of the matter" that needs to be clear to everyone - allowing ATV use on public land is not about "equal rights" for ATV users. The naturally existing status quo, like the old saying about possession, is 9/10s of the law. Like a boom box at a quiet beach, ATV use denies others the right to enjoy the naturally existing status quo. (To tie it to my first point, nobody minds the boom box itself, again, it is the noise it emits. So that conflict is easily resolved by mandating headphones. Sadly, the fuel cell ATV is not in show rooms yet!)

PS - for what it is worth, leading the way in limiting the use of 2-stroke engines in general would be an excellent undertaking for the State, be it in ATVs, PWCs, or leaf blowers. Not only would we smooth over a lot of the controversy about motorized recreation, but we would do a lot to preserve the health of our citizens. Here are some notes I pulled off the Internet According to the National Park Service, a 2-stroke snowmobile produces 300 times more hydrocarbons than driving an automobile. One hour on a typical snowmobile emits more air pollution than driving a modern car for a year. Studies show that a 2-stroke personal watercraft engine operating for seven hours produces the same amount of cancer-causing and smog-forming pollutants as an automobile being driven over 100,000 miles. Each year, marine 2-stroke motors spill 15 times more oil and fuel into waterways than did the Exxon Valdez. A 2-cycle gasoline-powered lawnmower pollutes as much in one hour as 40 new model cars. Nationwide, there are 89 million small 2-stroke engines in lawn and garden equipment directly exposing users to emissions.

According to U.S. EPA comparisons of 4-cycle and 2-cycle recreational vehicles, a 2-cycle engine emits 30 times more hydrocarbons (benzene, butadiene and polycyclic aromatic hydrocarbons) and 40 times the particulate matter as does the more efficient 4-cycle engine. Other hydrocarbons disproportionately emitted by 2-cycle engines react with sunlight to form smog, particularly in hot, sunny weather. Smog irritates the respiratory system and can have serious health effects on people with lung disease or susceptibility to asthma. Breathing smog can cause permanent lung damage to children.

Greg Sargent, PDS Operations Support

—Original Message-----

From: wmreid [mailto:wmreid@prexar.com]

Sent: Thursday, November 13, 2003 10:48 AM

To: ATV.Taskforce@maine.gov

Subject: ATV Task Force Recommendations - Comments

Dear Task Force Members:

I have read your recommendations and applaud your efforts. You're certainly going in the right direction and I hope the Legislature agrees.

I am old enough to remember when Maine still had some true wilderness, places that one could not access by any motorized vehicle and where the sound of the internal combustion engine could not be heard. There is no longer any wilderness left, but there still should be some isolated places where people actually have to use their legs to get to. I strongly believe that there is room in Maine for both motorized and passive recreational enthusiasts if we are willing to compromise and be respectful of the interests of others. It is from that perspective that I offer the following for your consideration.

- Include trail bikes in the recommendations. They may not be as numerous, but they are part of the similar problem of misuse and abuse.
- The requirement to obtain landowner permission is the key element and should not be compromised! Permission should be in writing and in the operator's possession.
- Raise the fine for riding on property without the landowner's permission to \$1,000 maximum (i.e., a range of \$100 to \$1,000). The actual fine should be dependent upon a determination of whether or not the violation was intentional. Repeat offenders (intentional) should have their driver's license suspended for a minimum of 30 days as a start.
- The minimum age for ATV/trail bike operators should be 16, the same as for personal watercraft. These machines all share a similar potential for misuse, accidents, and damage.
- Representatives of the ATV/trail bike manufacturers industry should be taken to task for their irresponsible advertising. For example, Honda has shown an ad on TV where ATVs are flown in to a remote wetland area whereupon the riders proceed to churn through and destroy it. I have personally seen the damage to wetlands in Maine by ATVs and trail bikes, including wetlands created with taxpayer dollars as compensatory mitigation at an average cost of \$150,000 per acre! Manufacturers must be part of the solution, too. Bring them to the table!
- A substantial social/economic/environmental impact fee should be added to the price of ATVs and trail bikes. It should be sufficient to cover the costs of enforcement of ATV/trail bike laws and compensation for and mitigation of damages. ATVs used solely for work purposes could have a special registration category and be exempt from this fee.

- All operators of ATVs and trail bikes should be required to have a valid driver's license and all violations should be made part of a driver's record, including points as recommended.
- If IF&W wardens are going to take the lead in controlling use, make sure there is adequate funding to do so without taking away from their primary duties to protect fish and wildlife. This could mean hiring more wardens with the impact fee funds.
- Reconsider the "no chase" enforcement policy recommendation. Let the officers have some options regarding this, or otherwise you'll mostly catch only those operators who are too drunk to ride off!
- Research and publicize the statistics regarding accidents and violations by age group and gender. I would expect that young males proportionally rank far higher than other groups. I would expect this is true for snowmobiles and personal watercraft, too, as it is for motor vehicles. Perhaps the insurance industry could help here, regarding both data and rates.
- Instead of just promoting multi-use trails, promote trails solely for walking, hiking, and skiing, too. Passive and motorized recreation do not mix well. The idea of passive recreation is to get away from all of the noise, fumes, and disturbance of motorized vehicles, not to continually have to dodge out of their way. Look at what other states and countries that have a substantial tourist economy do in this regard. Many make a lot of money from non-motorized recreation by developing and promoting facilities for such use. Maine can do the same.

Specifically ban ATVs and motor bikes from riding in public transportation rights-of-way and emphasize enforcement. I have recently observed an instance where MDOT did some roadside drainage work and carefully placed and installed erosion control measures only to have them promptly torn up by ATVs. Taxpayers are paying for all of that damage.

I hope the above is of some value to you and thank you for the opportunity to comment.

Sincerely,
William F. Reid, Jr.
Skowhegan, ME 04976

November 13, 2003

Thank you and the committee for studying the issues regarding ATV use and suggesting a wide variety of regulatory and educational programs. I would like to comment upon several of the proposals that I consider essential if any of the problems raised are to abate.

First, I should give you some information about what I have observed over the years through my work with landowners and my own experience outdoors. Here are a few of the examples I have seen:

* ATV users have left the road designated for their use on the state land in Turner to make a large sand pit out of fragile soil held together by a thin crust, and then make a road in the area that had been designed for picnics. It is no longer the inviting grassy spot that it was meant to be. ATV riders have created a trail to access the walking trail that the Androscoggin Land Trust laid out and that was built by the Maine Conservation Corps. In fact, I have heard several dozen people say that they no longer visit the land because it has been taken over by ATV's. Obviously there are many more who feel the same way whom I have not heard. When this property was proposed for state acquisition with LMF money, the purpose was for recreation on foot, on bikes, on horses and on snowmobiles. Certainly this is a case where the original purpose of acquisition has been subverted.

* I watched ATV riders descend off a CMP right of way, over steep terrain to cross a stream at the outlet of Allen Pond in Greene, simply to see whether any of them could get through the water and grasses without getting stuck (none did), and then enter private land where they had no permission to go

* ATVs created and continued to enlarge mud puddles on a land trust and school preserve that obstructed the walking path and diverted a stream bed so that students and others in the neighborhood could not use the trail they built. This was stopped only by having an almost full time volunteer work there.

* I have photographed skidder trails soon after the logging operations were finished where ATV's have torn up the newly seeded ground, apparently on the assumption that any road is fair game.

I have heard landowners tell me that they would not allow a public walking path across their land because there was no way of guaranteeing that ATV's would not use it as well; landowners tell me that they have encountered ATV's tearing up their farm fields and that the riders responded only to physical threats; landowners who have felt intimidated by ATV users who, if not given permission to ride on a trail that they offered to police, then said they would not be responsible for the damage that riders would do to the property; a landowner who discovered that ATV users cut trees down on his land to clear a trail and then erect a deer stand without permission.

I'm sure these stories are nothing new to you.

I have the following comments on the proposal overall:

The legislation directed the committee to study ATV's. That makes sense because the number of ATV's is increasing dramatically, but there are other vehicles that cause damage, dirt bikes, and especially 4WD vehicles. I hope that regulation will extend to them as well as soon as an ATV program is put in place.

The concept of multi-use trails is a politically expedient way of appearing to give something to everyone. In my experience, if trails are used for ATV's they are not useable for anything else unless perhaps snowmobiles. The ruts created, unless the trails are paved, make them unsuitable for horses or bikes or people on foot. The

vehicle noise, exhaust fumes and speed conflict with other uses. The overall appearance of the road/trail makes them unappealing to anyone but a motorized user. In other words, a multi-use trail is really a motorized vehicle trail.

Just as a trail cannot be all things to all people, neither can areas of land. Some areas of state land should be off limits to ATV's. State lands should offer a variety of experiences to people--including the experience to enjoy a natural area in peace-- but the experiences should not all be attempted in the same conserved property.

Much as I admire the LMF program, I will be sorely tempted to vote against another bond issue unless I am assured that land owned by the state will not necessarily be open to ATV's or other motorized vehicles.

I am concerned that the push to create a statewide trail system with multi day trips will unduly pressure landowners who do not want to be part of the system but whose lands are considered desirable for a trail corridor.

I would change the following recommendations:

Recommendation 1: Changing the law on permission. This may be the most important of the recommendations. It should be carried out in practice by posting trails that are open to ATV's. This would make it clear where ATV's can go. All other areas would be off limits. The result otherwise will be the continued proliferation of NO ATV signs blanketing all potential access points to land, which is a burden to landowners and also a blot on the landscape. And besides, in my experience almost all NO ATV signs are shortly removed or destroyed.

Recommendation 4: Fund for environmental damages. This is critical, but I think that landowners should be able to access the fund for restoration without first having to attempt to get reimbursement from those responsible for the damage. The state or even ATV clubs should have the burden of prosecuting or seeking reimbursement of the fund if the person can be found.

Violations: The concept of a visible identification is very important. Unless one can discover through the grapevine or by somehow intercepting the driver, it is almost impossible to take any action for violations.

I am not sure what constitutes a criminal offense under these recommendations and what then would be cause for impoundment. I believe that any significant damage to land or any injury to people not on the vehicle should be cause for impoundment or forfeiture. The fines should certainly be higher than the suggested \$100.

Thank you for the opportunity to comment.

Bonnie Lounsbury
505 West Auburn Road
Auburn, ME

November 14, 2003

Dear Task Force Members,

The Bangor Water District provides drinking water to approximately 10,000 customers in Bangor and portions of Clifton, Eddington, Veazie, Hermon, Hampden and Orrington. Floods Pond is the District's sole source of supply. To protect the quality of water in Floods Pond from being degraded, the Bangor Water District has acquired almost 3,700 acres of land in the watershed. Public access and recreational activities in the Floods Pond area are prohibited to minimize the possibility of introducing disease-causing organisms to the drinking water supply. Floods Pond is one of only twelve surface water supplies in Maine where filtration is not required. A filtration waiver, granted by the US Environmental Protection Agency, recognizes the excellent quality of the District's source of supply and the effectiveness of its watershed protection program.

The District has reviewed the task force's *ATV Solutions* report and is encouraged to see public water supplies included in the prohibited areas for ATV operation. The District has attempted various methods to stop ATV activity in our watershed including the hire of sheriffs to patrol and prosecute ATV trespassers. The District supports the task forces' recommendation to prohibit ATV use in a public water supply.

The District offers the following recommendations to include in the task force's report:

1. In MAINE ATV LAW Title 12 - Chapter 715, Section (§7857) PROHIBITED ACTS, include a "public drinking water supply protection area".

22-A. Operating an ATV in a prohibited area. A person is guilty of operating an ATV in a prohibited area, if that person operates an ATV on a public drinking water supply protection area, salt marsh, intertidal zone, marine sand beach, sand dune or any cemetery, burial place or burying ground or if that person operates an ATV on alpine tundra or on a freshwater marsh or bog, other than a trail designated for ATV use by the Department of Conservation, when the ground is not frozen and sufficiently covered with snow to prevent direct damage to the vegetation.

2. In MAINE ATV LAW Title 12 - Chapter 715, Section (§7851) DEFINITIONS, include a definition of "public drinking water supply protection area".

7. "Public drinking water supply protection area", means watershed lands or wellhead lands that are designated for the public health protection of that supply. These lands include but are not limited to lands purchased by the water utility, lands placed in conservation easement, restricted areas within the shoreland zone, and restricted areas within the resource protected zone. A public drinking water supply means the water bodies and the tributaries flowing into those water bodies.

Thank you for the opportunity to provide these comments for the Task Force's consideration. The District endorses and supports the recommendations in *ATV Solutions* and thanks them for their diligence in the development of these recommendations.

Sincerely,

BANGOR WATER DISTRICT

Kathy Moriarty, Water Quality Manager

From: Bruce WB <mailto:bruceski@megalink.net> Barrett
 To: ATVtaskforce@maine.gov
 Sent: Friday, November 14, 2003 12:05 AM
 Maine ATV Taskforce:

I am writing with regards to the proposed recommendations for ATV use in Maine on private lands. I work as a land manager on approximately 3,500 family owned land in the Oxford Hills Region. In my opinion, ATV use on this land is a lose - lose situation for the landowners. Simply stated, the ATV's go where-ever, whenever they like. This, in spite of working with the local club to ensure better use practices.

With regards to the ATV riders, I believe there are four types;

1. A small minority of locals who have progressed with the times to use ATV's to gain access to lands that they have traditionally used for hunting and recreation.
2. People who like to get out on the trails for recreation, but don't have a clue whose land they are on.
3. Members of various ATV clubs who are attempting to "do the right thing".
4. Hunters, which could be in any or none of the previous categories.

In my experience, there is nothing a land owner can do other than barricade and post his land to contain these people. Locks on gates are routinely broken (\$15-\$22 for a decent lock). Boulders are removed. Trails are cut around gates. Trails are cut through the woods. ATV's are purposefully ridden through wet-lands and muddy areas off the trail. ATV's are ridden on old woods roads causing them to become rutted out. People bring chain-saws and open old woods roads as they see fit. ATV's are ridden in all seasons except snow-mobile season, causing roads to become ruined. ATV's are continually ridden in areas that are clearly posted with NO ATV signs, in spite of miles of open trails. The ATV club doesn't follow through with the promises made in their use permit regarding maintenance and web site notifications of trail closures. There is no possible way that the ATV club, with it's annual tax-payer grant can begin to maintain the number of miles of "official" trails, never-mind the ones people just use anyway. As roads become degraded through careless and constant use, the landowners incur unnecessary and substantial expense in order to keep them passable for their own use. Additionally, ATV's routinely drive on public roads at high speeds.

This has been my experience in my capacity as a land manager. The intentions of the land owners are to leave the land as open to the public as possible without having it trampled upon or disrespected while protection their investment. As a working forest, the roads are a valuable resource, which maintenance of can easily offset a substantial portion of timber sale income. In this case the land owners have allowed, through the local club, use of several miles of roads, while hoping to reserve other portions of their roads for current and future personal use, which really doesn't work out. The land owners are clearly trying to do the "right thing" but they're being disrespected constantly by members of the ATV community. From the tone of my letter, you will likely assume that I am anti-ATV, which is not the case. I can understand, appreciate and accept any of the uses of ATV's and I use one myself in my work. However, I feel that a combination of the explosion in ATV popularity and the complete lack of enforcement and minimal policies on behalf of the State has put Maine landowners in an unfair situation. Never once have I seen a hint of any Wardens or other officials in the vicinity of any of these trails. The ATV club has done

absolutely nothing to post trails with educational signs, or post trail closures on their website as promised. They have not completed the maintenance they agreed to in order to have permission granted for use of the trails, permission, which in turn makes them eligible for State funding from the land-owner's taxes.

In my opinion the State of Maine has a long way to go to make this form of recreation work for private land-

owners, or at least ones which care for their land and don't practice absentee, corporate ownership. I believe that Wardens or other appropriate officials must be a regular presence in areas and times of high use or where problems exist. I believe that ATV clubs must be more accountable to land-owners and the State. I think that a standard, state-wide or regional ATV season must be instituted and enforced in order to protect land-owner's investment in roads which are quickly degraded during mud season. I think registration fees and taxes on the sale of ATV's should be raised in order to assist private land-owners who bear the burden of this expanding form of recreation. Operating an ATV should be considered a privilege and licenses should be required. In any event, a great deal more needs to be done in order to protect land-owners property rights, above the rights of ATV owners.

Maine is blessed with a unique combination of a great environment and folks who want to share the land they own with others. However, I feel that the current and increasingly difficult situation between small land-owners and ATV enthusiasts is jeopardizing this public asset. I clearly recognize the current limitations in State funding and workforce and I realize no-one wants to hear a word about tax increases. However, in this case, I feel that the State must make a greater commitment to it's capital which comes in the form of private lands open to the public, by in part shifting some management priorities to get a handle on this situation. This asset makes Maine unique in the nation and is something to be proud of. The State, must find a way to further it's support for those who make this possible. Perhaps land-owners who keep their land open to ATV's and therefore incur maintenance expenses and the general hassles of having to deal with hundreds, maybe thousands of strangers passing through in a given year, should receive a tax cut to offset these expenses based on numbers of miles of trails and projected use.

I look forward to hearing what conclusions and recommendations you come to with the input of other Mainers and I appreciate having the opportunity to express my opinion.

Sincerely, Bruce Barrett, Waterford

-----Original Message-----

From: Beeuwkes [mailto:beeuwkes@somtel.com]

Sent: Thursday, November 13, 2003 5:07 PM

To: ATV.Taskforce@maine.gov

Subject: ATV input

I agree that ATVs are not going to go away, but lest the genie totally leave the bottle, it is vital that boundaries for safe and respectful use be established NOW and that really stiff enforcement options are put in place and exercised. It seems logical that user fees pay for this enforcement.

The ATV community must be convinced that they cannot run wild wherever and whenever they choose. For one example in my town it is not at all unusual for ATVs to run up and down Main Street. The woodland trails that I enjoy cross-country skiing on are developing deep twin ruts full of mud and are difficult and unpleasant to ski on.

A few ideas to debate:

- 1.If the ground isn't firm enough to support the vehicle they shouldn't ride over it.ATV use should cease when snow cover is present. Then it is the season

for skiers and snowmobiles.

3. Speed should be regulated.

4. Enforce no public road use!

5 Anonymous phone reporting of abuse incidents?

6. Sound limits held to a minimum and randomly checked by officers.

7. Private or public trails may not be used unless posted by owner as "ATVs welcome."

8. Unfortunately some individuals will dump rubbish ever deeper into the woods. Ethical behavior must be taught.

9. A simple test is required for safety and responsibility to hunt; ATV registration should involve the same.

10. In Switzerland and most European countries I believe private ownership of snowmobiles and probably ATVs is not allowed. Our traditions won't tolerate such restrictions, but neither can we allow users of off-road vehicles, any more than cars and trucks, to ride rough-shod wherever they choose. Lets not be too intimidated by present users of ATVs to not insist on responsible behavior.

Chris Beeuwkes

-----Original Message-----

From: Randall Probert [mailto:Randentr@megalink.net]

Sent: Thursday, November 13, 2003 12:25 PM

To: atv.taskforce@maine.gov

Subject: atv

I am a retired game warden from northern Maine and for many I experienced these same problems. But I had a great judge to work with. The late Juilan Turner.

I blame the problem, primarily, of the present problems, with ATV riders with our present judges. They too weak. And secondly with unenforcement when some of it was taken away from wardens.

I would confiscate the ATV and hold it as evidence in a crime until the case was disposed of and all fines paid. If the violator was a juvenile I would talk with Judge Turner and he would rim out the kid in court and the parent also and as part of the sentence the parent would have to bring the kid's rank card showing improvements or the parent would be in contempt. This worked. I never had to charge the same kid twice and I gain respect from the parents.

New laws and rules are not going to slove the problems. The same people who causing problems with ATVs are the same people who are going to be problems with traffic violations and in general disrespect towards anyone but themselves.

Sincerely, Randall Probert

-----Original Message-----

From: Chesley, Clair [mailto:Clair.Chesley@maine.gov]

Sent: Thursday, November 13, 2003 11:52 AM

To: Taskforce, ATV

Subject: Mud season closure

Mud season closure on the local level will not work. No town can possibly post all of the ATV trails individually. There are just too many points of access. Probably 90% or more of all of the ATV trails are accessible from private homes. And if the town just sets dates they will be ignored because not everyone will keep track of the each town's dates. Also, many trails cross town boundaries. Closure dates need to be set by the state either permanently or on an ongoing basis. It might make sense to set different dates for the different counties to account for differences in climate. If a town wanted to further restrict access to some trails due to unusually wet conditions etc. they should probably be allowed to do that.

Also, is there any thinking about restrictions for ATV use of snowmobile trails in winter?

Are there regulations on ATV use regarding speed and reckless driving?

Clair Chesley
Richmond, ME.
ATV trail mountain biker

-----Original Message-----

From: Mark Sheldon [mailto:msheldon@bates.edu]

Sent: Thursday, November 13, 2003 9:42 AM

To: ATV.Taskforce@maine.gov

Subject: ATV TASK FORCE

I can't tell you how many times I've gone out for a quiet hike only to have a ATV come suddenly tearing up the trail behind me or towards me. I enjoy mountain biking and more and more I see once great trails destroyed. Or worse, land owners now posting land because of the damage inflicted by ATV's. I don't believe IFW is sympathetic at all. They seem to just do the bidding for SAM and snowmobile, hunters and ATVers. I believe you will continue to serve what ever interest provides more income. I don't think you'll listen to anyone who doesn't hunt or fish. Please do something to prevent the constant destroying of Maine's trails.
Mark Sheldon

Memo to: ATV Task Force
Memo from: Norton H. Lamb Jr.
New Gloucester, ME
Date: November 15, 2003
Subject: ATV Perspective

Thank you for the opportunity to speak to the issues surrounding ATV use in Maine. I speak as a land owner (both sides of my family have owned and farmed Maine's land for close to 300 years) and an outdoor enthusiast. My family owns close to 400 acres in Cumberland County (A mixture of wood lots and hay fields). We have always encouraged public use of our lands. Only recently have we found it necessary to post portions and erect barriers to woods roads. Continued access to private land (both individual and corporate) will depend upon responsible and respectful use of those lands. It is not just a matter of whether or not an individual will allow public use of their lands. In the long run, it may push maintaining land investments no longer worth it and cause them to convert open space to developments or other intensive

uses, permanently removing the open space and exacerbating urban sprawl.

I am convinced ATVs pose very significant risks to both Maine's environment and traditional access to private lands. I invite you to climb the trail on Spencer Mountain or look at the silt pollution in tributaries of the Piscataqua River in Cumberland.. Since ATVs started using the trail up Spencer, thousands of cubic yards of silt have washed down the mountain into the water shed below. ATV's tendency to loosen surface vegetation inevitably destroys trails and pollutes streams. The stream in Cumberland use to be loaded with fingerling trout. Today, you are hard pressed to find one. The banks look like dried chocolate syrup. The bottom can no longer support spawning.

Maine land owners are posting land at record rates. Despite a strong preference to leave my land open, I have posted several parcels due to abuse. Land use impacts on the land owner are cumulative. ATVs, 4 wheel drive SUVs, trash dumping, tree cutting, property taxes, etc. add up to a point where land owners lose patience and take action. I attended the hearing at Central Maine Community College. I heard the arguments against written permission. To me, the act of driving an engine propelled piece of machinery on someone's land without their permission is in and of itself offensive and disrespectful. It should be so obvious, we should not need a law requiring permission. But given my experience, we clearly do. I put up no ATV signs, seventy per cent are removed within a week. I try to be constructive when I speak to youngsters about how I want them to use my land. Invariably, rather than just respecting my wishes, they ask WHY NOT when I tell them I do not want machines on my land.

Other impacts of ATVs:

I have had to block off woods roads. This denies two elderly people and a paraplegic who I allow to hunt on my property access to a significant portion of my land. It also makes it less convenient for me to work the woods. It would be easier to put up no trespassing signs, but I do not want to be driven to that point. I have erected gates on a railroad crossing to keep ATVs off my hay fields. Unfortunately, the gates also prevent horseback riders and snow mobilers from using the crossing. I believe that ATVs can offer the elderly and disabled access remote areas and help with chores. However, abuse by those that do not need them will limit these opportunities.

I support:

Written permission required

All ATVs must be registered

Liability insurance required

Identification stickers on the front and back of all ATVs

Mud season closure

Higher fines

Additional recommendations:

ATVs must stop and identify themselves to land owners

Automatic Double fines for passing around gates or passing no ATV signs.

Editorial: I find it hard to justify the need for ATV trail systems. If you consider some of the major issues frequently discussed in our state: Air pollution; Stream pollution; Obesity; Lack of exercise; Poor school performance. All point to better recreation choices. I listen to the arguments about the economic value. I do not buy it. If we want to improve Maine's economy, the kids riding over my hay fields after school should be doing their home work and participating in extra curricular activities. They certainly should be taught greater respect.

One of my best friends has spent 30 years in Child Psychiatry at Maine Medical Center. According to him, the biggest problem with kids (regardless of family income) is parents' inability to set limits. It is time for the citizens of Maine to stand up, set limits and strictly enforce them. I appreciate the time you folks have invested in the task force. If you would like to discuss my concerns or need additional manpower to work on these issues, please feel free to call me.

Buzz Lamb

-----Original Message-----

From: A. Emperor [mailto:manhat99@yahoo.com]

Sent: Saturday, November 15, 2003 1:10 AM

To: ATV.Taskforce@maine.gov

Subject: Public Forum ATV Comments.

State of Maine ATV Task Force:

ATV LICENSE PLATES

I would suggest that for ease of identification purposes ATV license plates are:

- A) Full size as utilized for automobiles. Avoid the tiny license plates. Not easily readable for identification purposes re: ATV violators.
- B) Use a license plate numbering system that is simple to read from a distance. Avoid complex number/letter combinations making identification difficult on a fast moving ATV.
- C) Utilize a unique ATV license plate reflective system unlike that utilized for automobiles, trucks, etc., therefore making ATV identification easier.
- D) Possibly utilize a color coding reflective system integrated into the license plate itself thereby identifying the region/county of ATV origin. Or, as on Florida auto license plates, the county of registration is pressed into the license plate metal itself.

ATV OPERATING LICENSE

- A) Make it law that anyone of proper age purchasing an ATV be required to have it registered in the same manner as an automobile.
- B) Regardless of age one must take a special ATV road test in order to receive ATV validation on auto license.

Mailed comments

Oct. 10, 2003

Dear Sir,

ATV riders are digging up my flowers, riding outside of marked trails, riding through mud, and leaving their trash.

Sincerely yours,

Richard Hutchins

Portland

Oct. 20, 2003

To whom it may concern:

I have reviewed the recommendations of the ATV Task Force and believe that if implemented it will solve many of (the) conflicts that currently exist. As a point of clarification, the correct title is the Small Woodland Owners Association of Maine (SWOAM) and not Small Woodlot Owners Association of Maine.

Sincerely,

Terry E. Walters.

Hollis Center

Nov. 3, 2003

To whom it may concern:

I believe that all ATVs should face (the) same restrictions as motor vehicles, i.e. have to be registered, insured, annual tax paid as per valuation of the vehicle, etc. Furthermore no minors should be allowed to drive them without first getting a permit, provisional license, etc. the same as per motor vehicles.

The exception to the above would be if the ATV owner is using the vehicle on his/her own land or has written permission in advance to operate the ATV on his/her property.

ATVs should be permitted only on an authorized trail... perhaps on a trail use fee basis to pay for such access and use.

ATVs owners should be held legally responsible for any/all damage the do during unauthorized usage of land.

Yours truly,

Jerry Sass,

North Anson

Oct. 27, 2003

Dear Mr. Jacques,

I received a copy of the ATV TASK FORCE RECOMMENDATIONS at a recent atv club meeting. After reading it I have a few comments and thoughts.

For what it's worth, I was quite involved with the local atv club, Airline ATV Riders of Eddington, and early efforts of ATV MAINE, both groups from 1995 to early 2000. I also worked with Brian Bronson whenever possible and represented atv issues when the Dept. of Conservation reworked their Integrated Resource Management plan for all of the state's public lands, state parks, etc.

Concerning Rec. 1.

I know from attending 25+ years of Sportsman Shows, that other activities cause landowners problems. I'm always on the lookout for articles, stories etc. about landowner/user problems and have collected quite a file of them. We atvers may/are in the hot seat now, but it seems to me this is discriminatory toward atv users. Also it might give people the idea that they don't need landowner permission to hunt, fish, mt. Bike, snowmobile, etc., on landowner lands. The Recommendation should be rewritten to include all recreational activities.

Also, the recommendation to have written permission is not a good idea. As has already been pointed out by a landowner at the Bangor hearing on the Task Force Recommendations, a landowner does not have the time to keep track of 100 or more permission slips and is not going to stand by the trail asking to see those slips. And as mentioned above, all users of a landowners land should permission slips, 'What's good for the goose, is good for the gander,' or at least it should be.

Concerning Rec. 2.

As I understand it, liability insurance only covers medical bills for the owner of the policy. If the fear is that the landowner will be sued by an injured atver, we all ready have laws for that (and I see in Rec. 2 to raise that limit, which is good). For a while I was getting a publication from the American Motorcyclist Assoc. concerning these issues, they said there had never been a successful case against a landowner (that they knew of) in the country. We tried early on with ATV Maine to get liability insurance to cover club events and rides, for \$1 million coverage, it was several thousand dollars a year, and that would have only covered the specific days of each event or ride.

And again, if this is going to be considered, it should apply to all activities/people that use other peoples land. No discrimination.

Concerning Rec. 4.

To establish a mitigation fund to repair environmental damage to landowners is a good thing. It would be a big help to keeping and getting permission to use landowners land. BUT, again it should apply to all land users. As I mentioned earlier, I have a file of incidents about other land users causing problems for landowners. I have an idea on how to fund this mitigation fund, but am afraid it will only be applied to atvers so I will keep it to myself for now. I think we got enough of a shafting at the last Legislative session with out registration fees.

Concerning Rec. 6.

To be fair and to have an y hope of having the local atvers follow the proposed closure dates, you will need at least a split season, if not three closing/opening dates. Being as Maine is so big and stretched out, the trails in York County will be dried out a good month or more before the trails in Aroostook County. And in my area, Bangor/Brewer, we are about in the middle, often closer to the York area.

Concerning Rec. 12, 13, 14, and 15.

All need PSA's on TV and radio and newspaper articles. This would go a long ways in reaching

landowners, especially the smaller, non-corporate landowner. And as far as clean-up assistance, many clubs, including the one I belong to have held several clean up days on the lands we ride on.

Concerning Rec. 21.

Where's the money coming from to buy these atvs? And can you guarantee that they will be used only for atv enforcement issues? If no, then all users and those who benefit from them should share in the cost of atvs.

Concerning Rec. 23.

Again, where will the money come from and if it comes from the atv community, will it be used exclusively on atv problems?

Down in W. Virginia, back in the 1990s, a group of atvers and dirt bikers got a trail system started. To help with the enforcement problem (they envisioned at the time), they got their legislature to pass a law creating a (I believe it was called) Trail Ranger program. This was a volunteer group of people, that with some training, was authorized to hand out legally enforceable tickets to people they saw not following the rules of their system. And this system is all on paper and coal company lands, using their old road system. This system is called the Hatfield-McCoy Recreational Trail System, with 3,000 miles of trails. It's on the Internet.

Concerning Rec. 24.

WE SHOULD BE GETTING 100% OF THE GAS TAX REVENUE THAT IS IN THE LAW BOOK. LAST I KNEW OF, WE WEREN'T.

Concerning Rec. 25. and various bullets.

About the 'no chase' policy. I definitely agree with not chasing with patrol cars. Again, since taking up motorcycling again, I've read several stories about police chasing m/s's and ending up running them off the road or landing on top of them. But they should be able to follow at a reasonable distance to keep them in sight as long as possible, because as the saying goes, 'you can't outrun radio,' the officer might arrange a blockade at the next trail intersection, etc.

But those wardens ON atvs, it should be left up to their discretion as to whether to chase or not.

As far as ATV violations and OUIs going against a person's driver's license, I can't quite agree. There is something about power toys that bring out the worst or non-thinking in some people. At work and home, they are as good as can be, but on their favorite toy, look out. Losing their license may cause some to think twice, but I think it will end up causing a lot more hardship than need be or was intended.

I think a better way to go would be to have violations and OUI count for pointers and when you reach a certain point your atv will be impounded for a certain amount of time, perhaps 6 months for 1st offense, 12 months for 2nd, etc.

As for the self-reporting accident forms, what is the point? If I get scratched, banged up, bruised, but no bodily or property damage, who cares? Somebody is going to have to deal with these forms, make reports, etc. Just more costs for the state or atvers or both to no useful end.

Concerning Rec. 33 & 34

YES. YES. YES. We definitely need both. Concerning Rec. 39.

Where's the money coming from. If fees are increase on ATV's much more, you will kill the Golden Goose, so to speak. That trail system in W. VA. I was telling you about, when it was proposed they had a firm do an economic study, (like the casino benefits they're counting on). The end result was that when the trail system, 3,000 miles, was done it would bring in \$100 million per year and create 3,200 jobs in that area.

Concerning Rec. 41 & 46.

Recommending, strongly encouraging the use of helmets. It sounds like a good idea, but as a motorcyclist I've read several articles (have copy) that helmets are not the be all and end all to prevent injuries. Back in 1975 when the United Bikers of Maine was formed to fight a mandatory helmet law, a professor at Bowdoin College did a study on the states that had recently passed helmet laws. He found that while deaths from head injuries went down, deaths from broken necks went up almost (less than 1% difference) the same amount. I had always assumed that it was because of the weight of the helmet, thru a whiplash effect broke the person's neck. But since getting back into m/c's I've come across more recent that show what happens. Especially with full face helmets when/if you are struck or impact on the forehead area of the helmet, it pushes your head back until the back of the helmet contacts your neck, right between your head and shoulders, and if the force is enough, snap goes your neck. If the force comes from the back, and the force is enough, it pushes your head forward until your chin hits your chest and snap goes your spinal column at a particular think area. Also in the books I've been reading on safe m/c riding, some studies have found that riding with helmets gives a persona sense of indestructibility.

Due to the difference in average speed and other factors, helmets may not pose quite the problems they can with m/c's, but they are not the total answer. In regards to a further bullet about atv crashes, more training could take care of most of this.

Conducting a statewide multi-media campaign about atv issues is an excellent idea, BUT. THE TV & RADIO ads must be aired at the most likely time to catch the target audience. Of the people I've talked to in the past couple of years, only a few of us have ever seen a PSA about atv's and that was late at night. I've only seen one, one time at prime time. I looked into having a PSA made up around '98 or '99 for ATV MAINE, but it was too expensive for us at that time. And then when talking to the various stations about airing times, very vague in mentioned when they would actually be put on. You can have the best media campaign out there, but if no one sees it, it's a waste of money. It will take the state's clout and contacts to see it gets the exposure it needs.

ATV's should be allowed to be bought in relation to the size of the kid. My cousin bought a Suzuki 90 cc model atv for his 14 year old son. That is what the law specified. The problem was, this kid was almost 6' tall and weighed 150+. Besides looking like a circus clown, I considered it quite dangerous to ride because of the high center of gravity, all his body mass very high on that wheeler.

Last of all, I'll tell you about a problem I run into a couple of times when I was contacting landowners for my club. At every sportsman show I got to I always look for the paper company booths and ask the representative there, what the company position is on atv's. Many (more now than earlier) allow atvs with some restrictions, mostly locations where work is ongoing, etc. The problem comes when I'd call the local company rep. For permission to ride on their land. It seems the company will leave it up to the (usually) forester to allow or not allow atvs. So if you get one that doesn't like atvs, no permission. And another version of this is, your club has used the land/roads for several years, have a good relations with the company rep. And then he/she retires or changes jobs, etc. And the new person doesn't like atv's, well too bad, so sad, there goes your trail, all because of one person's prejudice.

It would be a big help for us atvers, that if a company's policy is to allow atvs, then all company employees follow that policy, not their personal prejudice.

Thanks for your time,

Wayne Bragg,, Holden

Nov. 12, 2003

I am against the idea and execution of joint trails. Do not change the restrictions on the use of federal funds for trails.

Eleanor Tremallo, Roque Bluffs

Nov. 12, 2003

The reason that we are having a big problem with ATV's now is the Warden Service. In the past it was a low priority? Why, never had to go looking for them as they was always side of the road.

Now the Colonel Tim Peabody, Chief of the Maine Warden Service stats that due to the limited number of Game Wardens cannot meet the demand for ATV Law Enforcement and that other agencies have refused to get involved. Not true in this area (Knox County) listening to the scanner. ATV problems and shits fired are handled by the Sheriffs Department.

What is needed is a Pro-Active Warden Service and this is starting at the top and replacing the Colonel and Major as they have had their chance. You have their replacements waiting in the wings. They are Lt. Nathaniel Berry and Lt. William Allen. With years of prior service in the Warden Service and Military background giving them the leadership ability to change the Warden Service.

ATV Task Force Recommendations;

- Need for Proactive Warden Service.
- We need to follow N.H. lead with these problems.
- Posted Land & Duty of Care (215A:34, 212:34). Land Owners are not required to post property against OHRV (Off-Highway Recreational Vehicles)) use.
- Landowner Permission: Written Landowner permission is required to operate an OHRV on private property.
- Registration needs to be around \$50.00. This is with written promise of more Wardens to be hired for ATV law enforcement. Anything less is going to be only lip service.
- Also ATV & Snowmobile laws need to be rewritten to get both the same, and this way they could be all in one law book. This is a win-win situation.
- Warden Service should be out there working with ATV & Snowmobile clubs, forming Search and Rescue units. Only if containment of an area, checking roads and areas as extra set of ears and eyes. Most have cell phones and GPSs. A little coffee and some MRE's would go a long way.
- Also get more agencies working together.
- Also Maine's Game Thief program needs to be changed, to a Wildlife Crime Watch which would cover improving relationships with sportsmen and landowners.
- Bigger fines, example Maine speeding law fines increase this eyar.
- IF YOU CAN'T DO IT ON THE HIGHWAY, WHY SHOULD YOU BE ABLE TO DO IT IN THE WOODS? Example, to drive on the Maine highways must be a certain age, take a driver education class at a cost of \$400 to \$500, and take a written and road test. Plus have insurance coverage.

Submitted by Ronald E. Bennett, Camden

Retired OHRV Safety coordinator,

DIF&W, State of Maine

Governor's ATV Task Force

Dear Sir:

I am a resident of Sanford. I live on Hanson Street, a short street (one house) off Main St. There is a path running parallel to Main St., which begins at the beginning of Hanson St., and provides off-road access to numerous other small streets.

The ATV riders use this path frequently and have severely damaged it. When they reach the end of the path and enter Hanson St., they race the 300 feet to Main St. In the process they stir up debris and dust, and frequently do 'wheelies.' They then cross Main St. and tear up the grassy area between the tennis courts and the Junior High School property. When they return they likewise go extremely fast.

Having seen trails and paths ruined here and elsewhere in the state, I am forced to conclude these vehicles are inherently destructive. Further, in the hands of immature, out-of-control young males, they become dangerous hazards, causing fear in ordinary people and damage to the environment. They constitute a threat to the quality of life here in Maine. Because the ATV drivers are mobile and cannot be identified (no vehicle numbers and the drivers' faces are often covered), they are effectively beyond the reach of the law. This is the scary part.

I think it is reasonable to expect that the State will establish a policy and laws to deal with this problem.

Very truly yours,

Eugene F. Daley.

Sanford

Nov. 9, 2003

TO: The Governor's ATV Task Force

This letter is a submission of my written comments to the Governor's ATV Task Force. I offer these comments as a Certified Tree Farmer in Maine, Small Woodland Owners Association of Maine member. In addition, my wife and I enjoy hiking, biking, hunting and fishing. I also offer my comments as a person who has nearly collided with recklessly and illegally operated ATVs on more than one occasion, while driving my truck. And when our son was 9 years old, a fellow classmate of his was killed operating an ATV. I know others who have been killed or seriously hurt operating these machines over the years. The list goes on. Suffice it to say that most of my encounters with ATVs have been less than pleasant, except where these machines have been used responsibly as work/utility vehicles.

While I generally support the recommendations and goals of the Governor's ATV Task Force report, I feel there are a couple of very serious problems with it, which I have itemized below:

1. Nothing was mentioned in your report about the conflict of interest for the Maine Department of Inland Fisheries and Wildlife with its acceptance of paid advertising from the industries they regulate, **including the ATV industry**. Pick up any copy of the Department's ATV Regulations, Hunting & Trapping Regulations, Snowmobile Regulations, Fishing Regulations etc., and you'll find the front and back of each booklet filled with paid advertisements, including ones for the ATV industry. This practice has an obvious corrupting influence on the Department at both the policy and enforcement levels. I would like to see the Task Force Recommend that a State law be enacted to make this practice illegal. In the mean time, the Department should have the ethical common sense to avoid the perception of sleaze. Acceptance of this advertising money by IF&W essentially means that everyone on this task force who is employed by IF&W is tainted by it and can't be trusted to give an objective opinion.

2. The fine for operating an ATV on another landowner's land without permission should be a serious

fine, not the token fine of \$100 as suggested in the Task Force report. A fine in the neighborhood of \$750 would make ATV trespassers take heed of their actions, especially considering that these machines can literally do thousands of dollars worth of damage to another's property in a matter of minutes. I've seen where ATVs have repeatedly driven around no trespassing signs and boulders placed to block motorized access to a gas pipeline right of way. In the process, they've destroyed a wetland area. Apparently they weren't too concerned about the token fines.

3. As a general rule, the fines for all ATV violations need to be increased, but most especially for criminal violations to reflect the serious nature of these crimes. The present fines are ludicrous. These folks are driving around on machines that cost thousands of dollars, often towed by rigs that cost additional thousands of dollars. Do you really think a \$100 fine is going to get their attention?

4. Increase the ATV registration fees to cover the cost of the needed additional law enforcement. These people created the problem, why should the general public be forced to pay to police them? Existing registration fees are token fees. Again it brings up the issue of affordability. If they can afford to purchase ATVs and accessories that cost thousands of dollars, the users can afford to pay higher registration fees to cover the cost of policing instead of passing the costs on to the general public.

5. Under Item 25 allow the option of a "chase" policy as long as it doesn't endanger the law enforcement officer. In other words, leave that decision up to law enforcement on the scene instead of trying to second guess the officers.

6. Item 32 of the Task Force Report states: Develop multi-use trails for "snowmobile, ATV, biking, horseback riding, hiking, etc." *Are you really serious?* Have you ever been run off the trail by an ATV while biking or hiking? My wife and I have lost track of the number of times we've had to jump out of the way of speeding ATVs on trails. Biking, horseback riding, and hiking as a group mix with ATVs about as well as oil and water. It's a horrible idea to put ATVs on the same trails with nonmotorized recreationists. They are totally incompatible. The State has already demonstrated that it can't control other speeding vehicles, you'd be placing people's lives at risk by mixing these types of recreational activities. You need to develop separate trails for ATVs or you'll have continuous conflicts and many more law enforcement problems. Those portions of the tourist industry that depend on hiking, biking and horseback riding will suffer an adverse loss of business if the word gets out that Maine's nonmotorized trail system is suddenly open to ATVs.

7. Item 33 of the Task Force Report recommends working with the Maine congressional delegation to change the rules for use of federal funds to build multi-use trails so that they can be used by ATVs. This is a terrible idea. There ought to be a few places left in this State where one can go for a walk or bike ride without having to dodge motorized vehicles traveling at high rates of speed, not to mention be buried in clouds of dust and exhaust fumes!

Most everyone who has lived or traveled in rural Maine for any length of time can tell at least one ATV horror story. One of my most interesting experiences was on Route 9 near Beddington a few years ago when my wife and I were headed Down East on a Sunday. As we crested a hill, we suddenly came upon a pack of about 10 ATVs driving not across, but right down the center of Route 9 at a high rate of speed. They dispersed in all directions as I tried to avoid them. One of the fools nearly collided with our vehicle.

Respectfully submitted by,

Timothy L. Stone, Orono

Nov. 9, 2003

Dear Governor's ATV Task Force,

I would like to congratulate the Governor's ATV Task Force for the excellent job they have done on the ATV Solutions Recommendations. It is obvious that a lot of time and effort went into developing these recommendations.

It can't be stressed enough that all parties working together will be required to develop a viable solution. These recommendations are very good and will go a long way towards addressing the issues.

Looking at the recommendations, there are a few recommendations which at first appear to be viable solutions. However I would like to ask the task force to take a closer look at these recommendations, as they may have some serious unanticipated consequences.

The first recommendation talks about written land owner's permission. **Requiring written landowner permission would kill the sport of ATV riding.** I am speaking both as a landowner and as a recreational ATV rider. I own a woodlot that Interstate 89 snowmobile trail crosses. I have always allowed snowmobilers, hunters, ATV riders, hikers, horses ... to cross my land. I have even granted permission to loggers to cross my land so they could haul wood they cut on land in back of my property that does not have road frontage. I have never denied anyone access to my land. I would guess in the course of a year hundreds of ATVers ride across my land..

As a landowner I have two concerns with this recommendation.

1. Requiring people to knock at the door requesting written permission would aggravate landowners, resulting in loss of access to trails. **As a landowner how would you feel if 500 or 1,000 people came knocking at your door, at all times of day and night, asking for written permission to cross your land?** I know I would not like it, so I asked a number of other landowners what they felt of the idea. The answer was pretty much the same, "I might sign for the first few people but after a while it would become a nuisance and I would refuse to grant any further written permission." **Requiring written permission would effectively cause landowners to eventually close their land to people. Landowners would not put up with people constantly disturbing them, requesting permission to cross their land. This would effectively close access to their lands.**

Many landowners are concerned of potential liability issues they may incur as a result of granting written permission. As a member of both the snowmobile club and the ATV club, we find that about half our landowners will gladly grant verbal permission to have trails cross their land, however refuse to provide written permission, due to potential liability issues. **Requiring written permission from landowners would effectively shut down most of our trails. If we had to get written permission we would probably lose permission from half our landowners.** Without continuous trails from point A to point B our trails would be useless.

Stricter enforcement is needed for those people that are intentionally breaking the rules as well as a means of education to address those riders that are unintentionally causing problems due to their lack of education.

The majority of ATV riders are responsible people who ride responsibly and respect the environment. These people are willing to work with landowners and regulators and are not causing the problems that that are giving ATV riders such a bad rap.

Unnecessarily stringent regulations would eliminate recreational opportunities for responsible riders and take away the positive economic impact of these responsible recreational activities.

The small percentage of riders intentionally breaking the rules are not following the existing rules, why would anyone expect them to adhere to more stringent rules?

Recommendation 25 mentions the use of flags for identification. This in my opinion is the **wrong way to go.** The idea of two license plates is an excellent idea. I can not figure out why the state does not require two plates now.

ATVs often operate on trails with low overhanging branches. The **flags would hang up** on branches and eventually get **torn** and tattered. This would render the flags **unreadable** and result in unnecessary litter on the trails.

It will be **impossible to read** any identification on a **flag swinging** on a pole. My daughter owns a child's ATV that comes with a big orange flag that says Polaris in large letters. When she rides down the trail the flag swings back and forth on the flexible pole. It is impossible to tell the flag has writing on it, let alone read it.

Requiring a **solid fixed pole** to address the above swinging flag issues would result in a **major safety hazard** to the operator in the event of an **accident or roll over**. Think of the **potential for impalement** of the operator in the event of a rollover.

In closing I would once again like to thank the task force for their excellent work and ask that they take a closer look at the three concerns mentioned above.

Thank you for your time,

Deborah E. Purrington, P.E., MCP

Woodlot Owner and ATV Rider

Applewood Farm

Nov. 8, 2003

Dear Task Force,

Thank you for taking the time to serve on this committee to balance the needs of ATV operators and others. I am a landowner in Southern Oxford County. I do not own an ATV yet. My property has received damage and I have incurred cost of time and money because of the unapproved operation of ATVs on my family land. I very much endorse the 43 recommendations you have developed to date.

I do not wish to eliminate the use of ATVs, only to have clear definition of how, where and when they are to be used, with stiff penalties for non-compliance.

My signage of "No ATV" should not be destroyed (Please see enclosed broken sign.) My land should not be cut up and turned into worn race tracks and stung areas. I should not have to fence my land to protect it just because I am not at home. I should not have to reseed areas and reduce my use of my own land. Nor should I have to see seasonal springs turned into mud puddles and watersheds compromised by the actions of ATV operators.

Please push for your rules. Please make the operation of ATVs on Maine lands a privilege granted by the landowner, not a given right.

Finally, please ban operation of ATVs on public roads – with or without license. The ATVs are a risk to other vehicles darting on and off the road, often making quick changes of direction without proper signaling.

Again, Thank you for your efforts.

Rick Merk, Casco

Newspaper Coverage of Recommendations

Bangor Daily News, Wednesday, Oct. 8, 2003

Task force's proposed ATV reforms lack funds

By Misty Edgecomb,

Of the NEWS Staff

The Governor's ATV Task Force this week released 46 suggestions for reducing accidents and improving the environmental responsibility of all-terrain vehicle riders, but observers are doubtful the ambitious reforms will be realized. The task force wants to see game wardens working with ATV clubs to enforce new, stricter fines against trespassing and driving drunk. It also imagines an enlarged network of legal trails, and a fund for landowners to be reimbursed when irresponsible drivers go off-trail.

Great ideas, observers said - but where's the money?

"Clearly, the bottom line is we have to fund all of this," agreed Brian Bronson, a task force member and head of the Department of Conservation's off-road vehicle division.

ATV enforcement has been a perpetual problem in Maine, peaking last year with dozens of new laws proposed in response to a record 319 crashes and countless complaints of property damage.

In fact, the Legislature's public hearing on the bills had to be moved to the Augusta Civic Center to accommodate the crowds. And last March, 300 people tackled the problem at a Sportsman's Alliance of Maine-sponsored ATV summit, where Gov. John Baldacci announced creation of the task force.

For those who have followed the debate, the task force's recommendations are nothing new. Most are the sort of common-sense solutions that legislators and sportsmen have tried, and failed, to implement as the ATV problem grew.

Maine has 55,000 registered ATVs, and, with just a few scattered trails, riders are tearing through fields, forests and back yards from Presque Isle to Sanford.

The backlash from landowners has resulted in a loss of the traditional access to private land that snowmobilers, hunters and fishermen have relied on for decades.

Everyone points a finger at the lack of law enforcement. Even police officers agree that ATV enforcement falls through the cracks because no single agency has ever been given the authority for off-road vehicles.

This week, the ATV Task Force recommended that the Maine Warden Service take the lead.

Wardens frequently express frustration that ATV enforcement takes them away from their core mission - policing hunting and fishing.

But someone has to be in charge, and the warden service possesses the experience to do the job, task force member and Warden Col. Tim Peabody said Tuesday.

Under the task force's plan, wardens would head cooperative "mobile strike forces" involving state, county and town officers whenever a serious ATV problem is identified. Similar efforts have been used to address ATV problems in Sanford, Peabody said..

"We're not suddenly being saddled with this overwhelming task," he said. "The goal is to distribute the enforcement."

Many of the suggestions for improving ATV laws recognize that ATVs are motor vehicles and should be regulated as such. Violations, including for operating under the influence, would begin to count as points against a driver's license, and liability insurance would be mandatory.

Years ago, the lawmakers tried the same approach with snowmobiles, but the bill failed because it just didn't make sense, and it still doesn't, Bob Meyers of the Maine Snowmobile Association said Tuesday.

Meyers believes that the solution lies in law enforcement and clubs like those that saved the snowmobiling industry's reputation 30 years ago.

"Being part of a club, just by osmosis, people are getting the safety message," Meyers said.

The task force recommends boosting club membership by giving a discount on ATV registration to members.

Mike Mullen, a task force member from the state Department of Environmental Protection, called ATV clubs "the backbone" of state efforts to keep ATV riders on legal trails.

Unless club members help build and maintain a network of trails, erosion and other property damage will continue to plague landowners, he predicted.

The task force proposes boosting trespassing fines and creating a fund that could be used to reimburse landowners for damage.

"If we don't know who the culprit is, the landowner is still on the hook," Bronson said. "We need to help the landowners out, or we'll lose all access."

But increased law enforcement, an ATV damage fund and trail construction require money.

The task force proposed increasing ATV registration fees about one-third to \$50 for state residents and \$80 for out-of-staters - unless they are ATV club members.

The fee hike could raise thousands for new programs but is bound to be controversial. Just last year, the state had to fight to pass an increase from \$17 up to \$33 for in-state registrations.

The task force also proposed dedicating ATV gas tax revenue - predicted to reach \$120,000 for the next two years - to the task force's mission.

Registrations, gas taxes and fines are not dedicated now to ATV issues, but if they were, the full task force plan could be realized, members said.

"It's a package deal," Bronson said. "To really work it's all got to be there - the safety, the enforcement, the trails - that's what we're aiming for."

Copies of the ATV report are available by calling 287-8000 or on the task force's Web site at www.state.me.us/ifw/aboutus/atvtaskforce.htm. Four public forums have been scheduled to discuss the document, with local events taking place 6-8 p.m. Wednesday, Oct. 22, in Mathieu Auditorium, Schoodic Hall, Eastern Maine Community College in Bangor, and 6-8 p.m. Tuesday, Oct. 27, in the Campus Center multipurpose room, University of Maine at Presque Isle

Bangor Daily News, Oct. 23,2003

Task force hears public comments on ATV recommendations

By Misty Edgecomb,

Of the NEWS Staff

BANGOR - Fixing the problems caused by a few ATV riders will require the cooperation of the masses. Wednesday night, representatives of the tens of thousands of responsible riders in Maine offered their support for a list of recommendations being proposed by the governor's ATV Task Force. "Give me a little time and I'll find some fault, but I pretty much agree with it," said Conan Furber of Kingsbury Plantation.

ATV accidents and complaints that the four-wheelers are tearing up land and streams have mirrored the drastic rise in the number of ATVs used in Maine. By the end of the year, the state expects registrations to exceed 60,000.

Last year, the issue came to a head when more than 100 people attended a legislative public hearing on myriad and overlapping ATV bills. Gov. John Baldacci responded by creating the 15-member task force, which is scheduled to report to him in December.

Rather than come to the public with a polished plan, the task force decided to throw all their ideas into the public arena and hold four meetings, the first in Bangor Wednesday night, said task force chairman and Department of Inland Fisheries and Wildlife Deputy Commissioner Paul Jacques.

The small crowd of 20 or so people, weighted heavily in favor of ATV club members, braved the season's first snow to discuss a long list of proposals to improve the safety and environmental responsibility of ATV use in Maine.

The riders told task force members that they are frequently blamed for the irresponsible acts of others - be they truckers and dirt bikers, or "rogue riders."

"I don't care what damn laws you pass. The guys who do things wrong are going to do [them]. These guys have no respect for laws and rules," said Ron Turtlott, an ATV and snowmobile salesman from LaGrange.

The task force replied that its intention is to start with the responsible riders and then move to stricter rules and better enforcement to catch the chronic lawbreakers who give the sport a bad name.

"These proposals will deal with 80 or 85 percent of the people out there who want to do the right thing, and enjoy themselves, and be responsible, [but] there's a percentage ... of scumbags ... that you've got to hit with a sledgehammer," Jacques said.

Once someone's had their machine impounded and has been put through some grief, word will get around."

—Bob Holcomb, Parkham

Once a complicated proposal to use "strike forces" of game wardens and state and local police officers to catch violators and saddle them with high fines was explained, the idea was generally well-received.

"Make it hurt enough so they do what they need to do," said Jim Lane of Parkman. "We're always going to have the renegade and the rogue, but we'll do the best we can to deal with that."

Impounding the ATVs of criminal violators was also supported by the group, primarily composed of retirement-age trail riders.

"Once someone's had their machine impounded and has been put through some grief, word will get around," said Bob Holcomb of Parkham.

Some questioned the ability of the Warden Service to handle its proposed duty coordinating the enforcement effort. Jacques argued that with proper funding from the Legislature for DIF&W, enforcement could happen without burdening riders with new fees.

A proposal to require that snowmobiles carry liability insurance caused the most concern, with riders saying that the insurance is expensive and difficult to acquire. Rental companies have run into trouble getting insured in the past, riders said.

"I've got nothing against liability insurance - the cost is just too much for some people in some situations. They won't do it, even if they have to do it," said Norm Roberts of Searsmont.

And requirements that all ATV riders acquire proof of landowner permission worried riders and landowners alike.

"In the course of a typical weekend, I might have 100 ATV'ers crossing my property. I'm not going to stand there and hand out permission slips," Furber said.

Overall, the group argued that any new hardship, be it insurance, registration fees or age limits, ought to apply equally to all recreational vehicles.

The next public hearing on the Task Force's recommendations is scheduled for 6-8 p.m., Monday, Oct. 27, in the Campus Center multipurpose room at the University of Maine at Presque Isle. The full report is available online at <http://www.state.me.us/ifw/aboutus/atvtaskforce.htm> or by calling 287-8000.

Sun Journal, Oct. 29, 2003

Task force on all-terrain vehicles holds hearing in Auburn

By Daniel Hartill
Staff Writer

Bill Morse calls them “the rogue riders,” the people who buzz around on unregistered all-terrain vehicles, spinning ruts into the ground and angering landowners who might otherwise let the good riders buzz right through.

“About 10 percent of (ATV users) are causing all the problems,” said Morse, president of the Rumford-based River Valley Riders ATV Club. His group has 216 members and cares for 200 miles of trails, which link to systems across Oxford County. “If there’s a problem, we jump on it,” Morse said Tuesday.

But his group can’t help everyone.

All-terrain vehicles and their use is a statewide matter, one which led to the creation of a 15-member task force aimed at bringing new rules to the Maine Legislature when it gathers in January.

Morse joined more than 70 people Tuesday to sound off to task force members about the machines, their use and dozens of proposed changes in state laws and rules governing ATVs.

Proposals call for written permission of landowners before a trail is formed, outlawing tires with tread that’s too deep, mandatory liability insurance for all ATVs, higher fines for violations and a lower threshold for police confiscation of the vehicles.

New rules are needed, said Paul Jacques, deputy commissioner of the Department of Inland Fisheries and Wildlife.

The vehicles’ popularity is growing too fast to be ignored anymore, Jacques said. In the past 10 years, the number of ATVs registered in Maine has increased 136 percent, to 52,830 in 2002.

If rules can be introduced now, the vehicles will be no more intrusive than snowmobiles in a few years, Jacques said.

Though some people criticized details, the tentative proposals drew mostly positive comments from the people who came. Many were members of ATV clubs. Some wore day-glow green “Pro ATV” stickers.

At Morse’s invitation, the crowd gave the seven task force members who attended the meeting a round of applause. Members included people from several state agencies, Central Maine Power and SWOAM, the Small Woodland Owners Association of Maine.

There were dissenters, though.

Steve Brooke, who owns a 10-acre woodlot in Farmingdale, said he has grown frustrated by an increasing lack of respect for his property.

Riders have ground up the trails which snowmobilers maintained across his land, moved barriers and even deserted an old Jeep Cherokee in a soft piece of ground, Brooke said.

He called their use a kind of blackmail.

"They seem to say, 'If you give us a trail we can destroy, we won't destroy all your land,'" said Brooke, who doesn't like the vehicles any more than their riders. They seem to say, 'If you give us a trail we can destroy, we won't destroy all your land,'" said Brooke, who doesn't like the vehicles any more than their riders.

"I don't see how a four-wheel drive vehicle with lug tires can pass without severe impact," he said. "These are vehicles that are engineered and designed to be destructive."

Such treatment can be fought with greater enforcement of existing laws, said Morse. He and others in ATV clubs work to smooth over problems like those Brooke faces, he said. His club builds bridges, rakes the ground and talks with landowners in detail before a trail crosses a property, he said. Others are similarly responsible.

The danger, agrees Morse, Jacques and Brooke, is that some landowners will become discouraged and close all access to their lands.

Brooke, who fishes and hikes, said he imagines erecting "no trespassing" signs, something that would bother him greatly. Most the places he goes to enjoy the outdoors are on private property.

"I don't like posting any land," he said.

Tuesday's meeting was the third of four public forums on the ATV recommendations. The final meeting is planned for Thursday in Sanford.

dhartill@sunjournal.com

Portland Press Herald, October 31, 2003

Proposals for ATV laws are welcomed at hearing

By DEIRDRE FLEMING

Staff Writer

SANFORD — A state Task Force's plan to propose a series of new laws to solve safety and other problems related to ATVs got a favorable reception at a public hearing Thursday night.

Task force member Brian Bronson said before the hearing at Sanford Memorial Gym that the problems caused by ATVs in Maine will not have a simple solution, but can be solved with new regulations and effective enforcement.

Bronson, ATV coordinator with the Department of Conservation, predicted that the Legislature will pass laws this winter that will quickly change ATV riding behavior, primarily because law enforcement will

soon be able to issue summons to problem riders. Maine has nearly 60,000 registered vehicles. One recommendation proposes a \$100 fine for riding on land without the landowner's permission. One small landowner agreed that more enforceable laws made sense.

"Right now, a landowner throws up his hand and says, 'I'll never get anything out of this,' " said Peter Lawrence of Portland.

Gov. John Baldacci established the ATV Task Force to find ways to minimize the environmental degradation and damage to private land that has given the booming activity a bad name in Maine. The panel will present its recommendations to the Legislature this winter.

The Task Force's chief goal is to protect landowners and their property from disturbance. It also aims to improve law enforcement response to ATV problems, develop a quality trail system that satisfies all users and to make sure ATV riders are aware of laws.

Bronson said at the hearing, which drew about 70 people, that the behavior of careless ATV riders can change just by clarifying existing laws or adding language that applies to specific ATV use - such as by making it illegal to ride in rivers, brooks and streams, as well as non-forested wetlands and public water supplies.

The unknown, Bronson said, will be how to fund additional enforcement given the fact the increase in ATV fees this year - from \$17 to \$33 for residents and \$35 to \$68 for nonresidents - went to Inland Fisheries and Wildlife to help avoid layoffs.

Task Force chair Paul Jacques, who is the Department of Inland Fisheries and Wildlife deputy commissioner, said the funding is likely to come eventually from registration, as well as from a share of the gasoline tax and ATV fines.

Some at Thursday's meeting said the only way to impress riders who break laws aware of them is to make the fines and punishments harsh.

"Make an example of these people," said ATV rider Bob Lawrence of Sanford. "In The County (Aroostook), ATV riders work together with the potato farmers. Here in southern Maine, we have Massachusetts plates coming in. We have an enforcement problem in southern Maine."

The task force made a total of 46 recommendations, including authorizing a mud season closure for ATV trails and encouraging increased ATV enforcement through a grant program that would be available to all law enforcement agencies.

Three other public hearings were held this month in Presque Isle, Auburn and Bangor.

Only about 20 people showed up for the first in Bangor during a snowstorm, while about 125 attended the one in Aroostook County and more than 70 for the Auburn meeting, Bronson said.

Staff Writer Deirdre Fleming can be contacted at 791-6452 or at:

dfleming@pressherald.com

George Smith,
Central Maine Newspapers
Column, The Native Conservative
October 22, 2003

ATV Solutions

They are a wonderful family machine, enabling men, women and children to motor through the fields and forests of Maine enjoying the great outdoors and getting to favorite hunting and fishing spots.

They are destructive machines, operated by the devil and his followers, destroying farm fields, ripping through brooks and streams, and maiming and killing their riders.

All terrain vehicles: you either love 'em or you hate 'em.

These days, lots of people are loving them. According to a recent state report by Roberta Scruggs, in the past 10 years, ATV registrations have jumped 136 percent to 52,830 in 2002. Retail sales of ATVs in Maine jumped 574 percent in that same time period. ATVs now outsell snowmobiles by a wide margin at many Maine dealerships.

But oh, what problems they are causing. Landowners are furious with the destruction and disrespect that ATV riders bring to privately owned woodlots throughout the state.

And with just 2,200 miles of official ATV trails, riders don't have much choice but to ride on private property, if they're going to ride at all.

As the issues percolated to a boil, over 300 people came to the Augusta Civic Center on March 18, 2003 to address ATV problems in Maine at a conference sponsored by the Sportsman's Alliance of Maine (for which I work) and funded by the Maine Outdoor Heritage Fund and the International Paper Foundation.

One clear direction emerged: locally driven community based solutions are the only solutions that will be effective in solving ATV problems.

At the conference, Governor John Baldacci announced that he was organizing an ATV Task Force to "develop a comprehensive ATV action plan by January 1."

The Task Force report with 46 recommendations is now available. You can read it on-line at the website of the Department of Inland Fisheries and Wildlife (www.state.me.us/ifw/aboutus/atvtaskforce.htm) or get a copy mailed to you by calling 287-8000.

A forum on the ATV report for central Maine residents will be held on Tuesday, October 28, beginning at 6 pm at Kirk Hall, Room 103, Central Maine Community College, 1250 Turner Street, Auburn.

Written comments can be emailed to ATV.Taskforce@maine.gov or mailed by November 15 to Governor's ATV Task Force, c/o Department of Inland Fisheries and Wildlife, Station 41, Augusta, ME 04333.

The governor asked the Task Force to work on four goals: to protect landowners and their property from disturbances and damage caused by ATVs; to improve law enforcement response to complaints about ATVs; to develop a high-quality trail system that protects the environment and the rights of landowners while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas, and access to popular destinations; and to insure ATV riders are aware of ATV laws, ethics and safety issues.

The Task Force created a package of very interesting and thought-provoking suggestions addressing all of the governor's goals.

One major recommendation would require ATV riders to obtain landowner permission to ride on private property. Landowners have embraced that recommendation, but ATV riders are worried such a requirement might sharply reduce the opportunity to ride ATVs in Maine.

Another recommendation would offer discounted ATV registration fees to those who join a local ATV club, to encourage club memberships.

Many recommendations are designed to build a seamless law enforcement effort to enforce ATV laws by police agencies from the state to the local level. The Department of Inland Fisheries and Wildlife would distribute funds to other law enforcement agencies that are willing to help game wardens enforce ATV laws.

A mitigation fund would be established to repair damages done by irresponsible ATV riders, and tougher laws would be enacted to punish those riders, including impoundment of their machines.

Criminal ATV law offenses would be counted against motor vehicle drivers' licenses, including ATV OUI violations.

And municipalities would be authorized to close ATV trails during the spring mud season.

One problem remains unaddressed and it's a big one: money. Many of the recommendations cannot be implemented without cold cash.

ATV registration fees were sharply increased last year, but that money was used to balance the budget of the Department of Inland Fisheries and Wildlife. So it's not available for ATV solutions.

Before the Task Force completes its work, the lack of funding for its recommendations – what it calls the “ATV Solutions” - will have to be found - or their excellent effort will be wasted.

“It will take all of us, working together, to control the problems yet still preserve the personal and economic benefits that ATVs bring to our state,” said Governor Baldacci in March.

The governor's ATV Task Force got a good start on this. But there is a lot of trail ahead, and many potholes.

**Nov. 12, 2003
The Star Herald
Presque Isle.**

ATVers, landowners working toward solution

By Kathy Abernathy

Staff Writer

PRESQUE ISLE – Maine's ATV Task Force held four public forums, from Oct. 22-28, in various locations in the state to hear comments on its recommendations to meet four goals.

Meetings held in Bangor, Presque Isle, Auburn and Sanford discussed the following priorities of the task force, as stated in a recent press release:

- Protecting landowners and their property from disturbances or damage caused by ATVs;
- Improving law enforcement response to complaints about ATVs;
- Developing a high-quality trail system that protects the environment and the rights of landowners, while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas, and access to popular destinations;
- Insuring ATV riders are aware of ATV laws, ethics and safety issues.

According to the release, the task force has 46 recommendations for meeting these goals. They include:

- Requiring landowners' permission to operate an ATV. Permission is presumed only on authorized trails or riding areas;
- Mandatory liability insurance for all ATVs;
- Higher fines for ATV violations, including a mandatory \$1,000 fine for failing to stop for a law enforcement officer;
- Establishing a damage mitigation fund to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted;
- Making ATV violations count as points against a driver's license and an ATV OUI part of a driver's motor vehicle record;
- Making any violation of a criminal ATV law result in automatic impoundment of the ATV;
- Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level;
- Encouraging increased ATV enforcement by creating a three-tier grant program, available by application to all law enforcement agencies in the state;

- Encouraging membership in ATV clubs by offering a discount registration for ATV club members;
- Distributing state ATV revenues in the same categories as snowmobile revenues: to the Inland Fisheries and Wildlife Department for law enforcement and safety education; to the Conservation Department for trail grants and equipment; to Maine towns, in lieu of excise taxes.

Discussions began even earlier than the above-mentioned forums when the topic of ATV use on farmlands came up at an Oct. 22 Maine Potato Board meeting.

Last year the Maine Potato Board submitted to the state legislature a bill that would have required written permission from landowners for anyone wishing to ride an ATV on privately-owned property. At least nine bills relating to ATV use were submitted, with all but one being killed. One was held as a "token bill." At that point the governor appointed the ATV Task Force which has since come up with a list of recommendations, mentioned above.

The task force is comprised of members who have specific interests in the above issues. But Donald Flannery, executive director of the Maine Potato Board, was upset because "no one representing northern Maine agriculture was chosen for the task force."

"It's a complicated and emotional issue," said Flannery. "Who's going to pay for it (enforcing the laws)? That's going to be a problem."

Board member Andrew Yaeger spoke on behalf of his fellow growers. "No grower wants ATVs on their land at any time of the year. I would go even stronger and prohibit them," he said. On the other hand, Yaeger also said his property is bordered by several dirt roads that follow the tree line and he has no problem with ATVs using the roads, as long as they stay out of the crops.

"Growers are very hesitant to let (ATVs) on their land," said Vern Delong, executive director of the Agricultural Bargaining Council.

"Andy's position makes sense from a negotiating point of view," said board member John Cancelarich.

"It's not your neighbors (causing problems)," said board member David McCrum. "If they stay on the trails, that's fine, but when they head down the middle of the field – there's no respect."

"Snowmobile clubs developed relationships with landowners, ATVers can do the same thing," said Flannery.

Often, people categorize snowmobiles and ATVs in the same class, grouped together as recreational vehicles. But the impact each has on the environment differs a great deal.

"From an agricultural point of view, snowmobiles are low impact," said Flannery.

The issue of ATVs transporting diseases from one crop to the next was also discussed.

“We don’t want to become totally adversarial,” said board member Tom Qualey. “I have grave concerns (about prohibiting ATVs) ... that we’re picking a fight.”

“Written permission means a lot,” said board member Conrad Caron. “The grower guides where they can go.”

By the end of the meeting, the board was split, with half supporting a ban on ATVs on agricultural land in production, while the other half favored getting written permission for access.

In a transcript from the Oct. 27 forum held at the University of Maine at Presque Isle, Flannery once again voiced concern that ATV riders should be required to have written permission if they’re not on a designated ATV trail.

“We’re not against ATVs. We welcome them provided that trails can be developed. But there’s a difference between riding on a trail and going off across a field. You can’t have unlimited access across agricultural land. There’s too big a risk (of spreading disease),” he said.

Fort Fairfield resident Bud Nicholson, northern representative of ATV Maine, opposed written permission.

“A lot of people have bought ATVs to go fishing and hunting. I’m disabled, but as a result of my ATV, I get out and go to places that I haven’t been able to go for many, many years. The farmers are not going to put up with people knocking on their doors all the time. If ATVs need permission, then so should snowmobiles, so should hunters, so should everyone. Most citizens have no idea where property lines are. The solution is enforcement of the current laws and support for the clubs. We need financial support. And we need to encourage people to join ATV clubs. I support the (registration) discount for club members. Once people start joining ATV clubs, they’ll get information about safety, crops, etc. Most of the people I deal with are non-member ATVers. The cure is the clubs and the financial support for the clubs to do the work,” said Nicholson.

Gilbert Roy of Van Buren asked, “Where do you get permission when the people (who own the land) are in California or Ohio or everywhere else and just own the land as a deduction?”

Presque Isle resident Ron McPherson, co-founder of Star City ATV Inc., supports discounts for club members, but thinks it should be more. “Once you get an established trail made, people will stay on it. That’s a given.” He opposes written permission but supports law enforcement of underage operation. He said more money should be put into law enforcement in the beginning of the season -- the mud season -- in May. According to McPherson, “Our complaints have dropped out of sight.” He credits this with the recent opening of the club’s mud run just off the Parsons Road in Presque Isle. Public response to the mud run has been positive since the site opened about a month ago.

Laurence Park, a Presque Isle farmer and tree farmer, and supervisor of the soil and water district for years, supports recreational use of farmlands.

“I don’t own ATVs, but I’m for recreation ... snowmobiles, ATVs and cross country skiing. But if he brings a bacterial rot in, I’m out of the seed potato business for a while. That’s why we need trails. That’s why

landowners like liability coverage. I have a tree farm and there's a woods trail for skiing. But the sod cover is very tender, vulnerable to traffic. I only go on it once a year or less and you can only go on it at particular times. The main thing is you need trails and they need to be built so they can withstand traffic. There's an erodability factor," said Park.

Ted Brewer of the Big 13 ATV Club supports a connected trail system. "Dead-end trails should be signed. When some of the trails are connected it will solve a lot of problems," he said.

Comments such as these were representative of all four forums held throughout the state from Oct. 27-30.

George Smith, executive director of the Sportsman's Alliance of Maine, made several comments at the Auburn forum on Oct. 28.

"There is no doubt that locally driven community-based solutions are the only solutions that will be effective. That was the conclusion of our ATV conference and that must be the focus of your plan," Smith told the task force.

"Speaking for myself, as the owner of a 150-acre woodlot, I can tell you that I would like ATV riders to obtain my permission for riding on my property. And this may be a necessary step toward steering ATV riders onto designated trails. But given that Maine has very few designated ATV trails, this requirement will severely limit the places where ATVs can be used. Given the governor's interest in sustaining the economic benefits that ATVs bring to Maine, this requirement may severely dampen that economic contribution. I expect ATV use to decrease substantially if this requirement is enacted into law," said Smith.

"Let me emphasize that SAM is not opposed, at this time, to the requirement that ATV riders obtain verbal permission from private landowners to ride on their property. I am simply saying that this needs a lot more thought and public debate. It is a very significant step and one that outdoor recreationists have generally not been burdened with in the past," he said.

Smith then went on to discuss the issue of money and how it is distributed throughout the state with regard to ATVs.

"You of course know that ATV fees were hiked substantially earlier this year, but the money was used to balance the budget of the Department of Inland Fisheries and Wildlife instead of to fund ATV solutions including more law enforcement and trail building. GIVE US BACK THE MONEY! That must be your first, second, and third recommendation or all the rest of your recommendations will be useless. Without money, these problems cannot be solved and ATV owners are already paying much of the needed money but it is not being used to resolve ATV problems," he stated.

He concluding by asking the task force "to join us in demanding that the general public, the people of Maine who receive so many benefits from their Department of Inland Fisheries and Wildlife -- contribute some of their tax money to that department. This must be achieved, so that the ATV funding can be properly directed to ATV solutions."

Following the forums, local comment continued to focus on the issue of ATV users requiring landowner permission before riding on their property.

“ATVers are going through the same thing snow sleds went through years ago ... “stay out” is the most common response,” said Bob Good, a member of Star City ATV.

“There’s a proposal going before the legislature that would require proof of belonging to a club and proof of insurance before an ATV could be registered,” said Dave Henderson, president of Start City ATV. Those caught with unregistered ATVs could face similar fines to a person driving an unregistered automobile.

Henderson also hopes the recommendations will lead to a reduction in ATV crashes. Aroostook County currently holds the distinction, for the period 2001 and 2002, of having the most reported crashes of any county in the state. The total number of crashes, for the period 1993-2002, is highest for the age group 11-15.

“Something needs to be done to prevent underage operation and provide appropriate training for anyone using an ATV,” he said.

Randy Richards, division manager of Daigle Oil Company in Presque Isle, whose company recently donated property to Star City ATV for a “park and ride” facility, said “People who do care about riding, monitor those who don’t. But everyone should be responsible for their own actions.”

With the public forums completed, the next step is for the task force to send its recommendations to Gov. John Baldacci by Jan. 1.

Task force members include: Paul Jacques, deputy commissioner of the Maine Department of Inland Fisheries and Wildlife, and he also chairs the task force; Brian Bronson, Department of Conservation; Dan Mitchell, ATV Maine; Jon Olson, Maine Farm Bureau; Gary Donovan, Maine Forest Products Council; Carl Van Husen, Small Woodlot Owners Association of Maine; Sally Jacobs, Maine Coast Heritage Trust; Peter Mosher, Department of Agriculture; Mike Mullen, Department of Environmental Protection; Nancy Sferra, The Nature Conservancy; Dave Henderson, Star City ATV Club; Rod Whittemore, Recreational Motorsports Association; Tom Carter, Sportsman’s Alliance of Maine; Lt. Jeffrey C. Trafton, Maine State Police; and Jeff Austin, legislative coordinator, Maine Municipal Association.

Serving on the law enforcement subcommittee are: Lt. Trafton ; Tim Peabody, Maine Warden Service; Kenneth “Doody” Michaud, Fort Kent police chief; Thomas H. Jones, Sanford police chief; Kennebec County Sheriff Everett B. Flannery, Jr.; Bill Williams, director of forest protection, Maine Forest Service; and Jim Lyman, training coordinator, Maine Criminal Justice Academy.

The recommendations are available on the ATV Task Force’s website: www.state.me.us/ifw/aboutus/atvtaskforce.htm. Printed copies can be requested by calling 207-287-8000.

Written comments can be e-mailed to ATV.Taskforce@maine.gov or mailed by Nov. 15 to: Governor’s ATV Task Force, c/o Maine Department of Inland Fisheries and Wildlife, Station #41, Augusta, ME 04333.

Nov. 27, Capitol Weekly

Panel hopes to curb ATV conflicts

BY MIKE LABERGE

AUGUSTA - Harlan Brown is fed up with all-terrain vehicle riders cutting across his land without permission

In the past three years, the Chelsea man has posted signs, strung a cable across a crude trail and placed cameras in the woods on some of his 100 acres. Nothing has worked. The signs have been ripped down. Oak trees supporting the cable were felled with a chainsaw. And state agents, whose ranks have been thinned by budget cuts, seem reluctant to pursue violators caught on camera.

"They had no respect for your property," Brown said the other day, voicing frustration at the ruts from big ATV tires now worn into his land. "I mean, who's paying taxes on it?"

Increasing clashes between property owners and ATV riders led Gov. John Baldacci last year to form a task force to study the issue and draft recommendations for improving things. The group grew from a conference, sponsored by the Sportsman's Alliance of Maine, that in March drew more than 300 people to the Augusta Civic Center.

The 15-member task force, which includes landowners, law-enforcement officials and ATV riders, recently issued 46 recommendations designed to improve safety and reduce conflicts.

They include greater promotion of private trail systems, expansion of ATV clubs and beefed-up law enforcement efforts to deal with trouble-makers. The recommendations also suggested that the state require ATV riders to obtain written landowner permission to ride unless they are on authorized trails or in areas open by a landowner's policy.

The committee heard from about 150 people at a series of four public hearings held throughout the state. Many backed increased law enforcement and efforts to boost fines for ATV violations such as riding an unregistered vehicle.

Baldacci is expected to receive the group's final report in January.

"The trail damage done in the spring by ATVs ruins the trails for other users and can cause real safety problems for bikers, horseback riders and others," wrote Garry Hinkley of Manchester, who described himself as an avid off-road biker, hiker and cross-country skier.

"The deep ruts created by early springtime ATV riding permanently damage the trails and pollute streams," he continued, adding that he supports seasonal trail posting. "As the ruts deepen, some ATV riders go around making the damage worse. ... I have personally seen ATV riders who purposely churn up the ruts to see how much mud they can fling."

Another writer, wood lot owner Steve Brooke of Farmingdale, urged the group to crack down on trouble-makers. "The design of the vehicles promoted by this industry is so destructive that their use needs to be restricted and controlled with great care," he wrote.

Paul Jacques, a former state lawmaker who is chairman of the task force, said the group hopes to nip problems in the bud. Rising use of snowmobiles triggered a similar controversy three decades ago, Jacques said, catching state regulators largely unprepared.

"Hopefully, this will be a step in the right direction - and a big step," Jacques, deputy commissioner of the Department of Inland Fisheries & Wildlife, said this week.

The numbers tell much of the story. When Jacques left the state legislature in 1996, there were 15,000 registered ATVs in Maine. This year, he expects that number to exceed 60,000.

"This is going to be a huge industry," Jacques said. "Our desire is to get ahead of this whole thing and have some rules and regulations."

Promotion of ATV trails and rider clubs is central to the state's effort.

Brian Bronson, who manages the ATV program run by the Maine Department of Conservation, said the state now has slightly fewer than 100 such clubs. He would like to see that number grow to 150 to 200, enough to maintain trails and cover the state fairly well.

"We believe the answer is more clubs - more active, organized users," said Bronson, who is recreational safety and vehicle coordinator for the Department of Conservation.

Mike Pushard, owner of Pushard's Snowmobile Sales and Service in Chelsea, agrees that the solution lies in promoting ATV clubs.

He would like to see the state require those wanting to register ATVs to show proof of club membership, in the same way that motorists must provide proof of auto insurance.

"You need clubs to get involved," he said, adding that such organizations can maintain and police trails while promoting safety, reducing conflicts with landowners and law-enforcement agents.

Pushard has seen ATV popularity explode. When he first carried the four-wheeled machines five years ago, he sold maybe 10 of them. This year, he expects to sell 90 to 100 machines.

Pushard serves on the board of All Seasons Trail Riders, an ATV club formed in Chelsea last year. The group has secured written permission from landowners for a network of 15 to 16 miles of trails that members maintain.

Cooperation, he said, has been key to the group's success.

"We closed down trails this year until the mud season was over," Pushard said. "We were pleasantly surprised by how many people stayed off the trail."

With statewide resources for law enforcement limited, he believes, education will hold the key to reducing conflicts between riders and landowners.

"It's that one or two people who are irresponsible who ruin it for everybody," Pushard said. "I've got 55 acres here myself. I don't want people trashing it, either."

Goals of the Governor's ATV Task Force:

- To protect landowners and their property from disturbances or damage caused by ATVs.
- To improve law enforcement response to complaints about ATVs.
- To develop a high-quality trail system that protects the environment and the rights of landowners, while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas and access to popular destinations.
- To insure ATV riders are aware of and abide by ATV laws, safety issues and recommendations.

Recommendations: To protect landowners and their property from disturbances and damage caused by ATVs.

1. Recommend this new language be added to Maine law: "The Privilege to operate an ATV on the land of another requires the landowner's permission. Permission is presumed where authorized ATV trails exist or in areas open to ATVs by the landowner's policy. In those areas, ATVs are restricted to those trails or areas open to ATVs by the landowner's policy. In all other areas the landowner's permission is required. Written permission is strongly encouraged. Anyone riding on land without the landowner's permission is committing a civil violation subject to a \$100 fine."
2. Raise the liability insurance provided by the state ATV program to at least \$1 million.
3. Require mandatory liability insurance for all ATVs.
4. Establish a damage mitigation fund to repair environmental damage or to reimburse landowners for damage to crops, trees or orchards caused by ATV riders, when those riders cannot be identified or prosecuted.
5. Change Title 14, section 7551 (intentional trespass damage), so landowners can receive treble damages.
6. Authorize a mud season closure for ATV trails similar to the road posting process, so it can be done at the local level. Develop a sign. Insure a substantial fine applies to violations.
7. To Title 12, section 7857, paragraph 22-A, "Operating an ATV in a prohibited area," add "rivers, brooks, streams, Great Ponds, non-forested wetlands and public water supplies, except for needed maintenance and management authorized by the landowner."
8. To Title 12, section 7857, paragraph 23, "Operating an ATV on crop land or pasture land," add "tree plantations, woodlots and orchards."

9. Prohibit snorkel kits and similar kits designed to allow ATV use in deep water, except at sanctioned events.
10. Outlaw tires with tread more than one inch deep, except at sanctioned events
11. Change the sound decibel level to the 20-inch test at 96 DBA, to reflect national standards.
12. Work with the Maine Attorney General's Office and others to produce a brochure (similar to "Landowner Liability Explained") to explain landowners' rights, protections and opportunities for tax relief under the state's Open Space law. Brochure must include information on prescriptive rights (adverse possession).
13. Ask the Legislature to create a study group to review and, if necessary, modify statutes so that allowing public recreational access doesn't compromise landowners' rights.
14. Provide a handout telling landowners what information is needed to enforce ATV laws and where to call.

Ask the Department of Conservation to research, including what's been done in other states, possible incentives for landowners who allow public recreational access to their property, including tax relief, trail fees, clean-up assistance, an insurance pool and other incentives. The report will include recommendations and proposed legislation. The report should be completed by Feb. 1, 2004.

Recommendations: To improve law enforcement response to landowners' concerns and complaints.

16. Coordinate law enforcement agencies to increase enforcement of ATV laws.
17. Concentrate law enforcement efforts on high-problem areas.
18. Designate the Maine Warden Service as the lead agency in coordinating the efforts of all law enforcement agencies.
19. Organize an ATV Law Enforcement Task force to develop and authorize Mobile Strike Forces, made up of local, county and state law enforcement officers, to respond in areas where ATVs are being operated illegally. When a problem is identified in a certain area, it will be brought to the attention of the local officer of the Maine Warden Service. The Warden Service will contact the member agencies of the Task Force to organize the Strike Force response and a time, date and location will be established. The organization and use of Strike Forces will remain very flexible. This will allow the member agencies of the Task Force to respond to a wide range of ATV complaints, issues, and violations. A Mobile Strike Force would typically consist of at least two marked patrol car units at two trailheads (road crossing) with a section of ATV trail between the trailheads. At least two law enforcement units would be on ATVs, on the trail. This would make it very difficult for any ATV passing through the section of trail not to be checked by a law enforcement officer. Appropriate law enforcement action would be taken against any violators.
20. Insure all game wardens with field patrol responsibilities have access to four-wheel ATVs.

Insure municipal and county law enforcement agencies have ATVs when needed for duty with Mobile Strike Forces by having two ATVs available at each regional office of the Maine Warden Service

22. Insure all law enforcement officers — municipal, county and state — have access to training on (Title 12) ATV laws, and patrol procedures and that some are trained in ATV operation. All potential members of the Mobile Strike Forces would attend a certified course for law enforcement officers who operate ATVs and conduct ATV enforcement. (Currently game wardens and forest rangers receive ATV training as part of their respective agency training programs.) In conjunction with the Maine Criminal Justice Academy, an ATV Enforcement Officer Training Program will be established based on existing programs established in the State of New York and the ATV Safety Institute Riders Course. The timeline to prepare a course and establish a group of trainers for the State of Maine is:

October / November 2003, establish Enforcement Officer Course for Maine.

- December 2003, present course to the MCJA Board of Trustee for approval and certification.
- March / April 2004, provide an ATV Enforcement Officers Course to train officers to instruct other officers, with the goal of developing 30 trained instructors.
- May 2004, provide training program for enforcement officers across the State.

23. Encourage increased ATV enforcement by creating a three-tier grant program, available by application to all law enforcement agencies in the state. The three grant types are as follows:

- **Multi-jurisdiction High-Problem Area** — To fund law enforcement, including mobile strike forces, in areas of extensive ATV use where there are documented complaints, such as unauthorized trails or damage to agricultural land. The Multi-jurisdictional grants will provide 100% funding for personal service costs.
- **General ATV Enforcement:** The General ATV Enforcement grants will provide 75% funding for personal service costs in two categories.
 - a. **Level 1 Enforcement** — Handling ATV complaints, responding to accidents both on and off highway, and ATV checks during normal course of patrol duties.
 - b. **Level 2 Enforcement** — ATV enforcement focused on recognized problems in localized area. Area may be of moderate use by ATVs but does not require the enforcement effort of a high-problem area.
- **Equipment and Training** — Includes ATVs, trailers, and protective equipment for operators, and training associated with ATV operation and patrol techniques. A 50% match will be required for Equipment and Training grants.

General ATV Enforcement, and Equipment and Training grants will be awarded on an annual basis. Multi-jurisdiction grants will be awarded on a more frequent basis, yet to be determined. A Grant Review Committee with representatives from the following law enforcement agencies will establish grant guidelines and review ATV enforcement grant requests: Maine Warden Service, Maine Forest Service, Maine State Police, Maine Sheriff's Association, Maine Criminal Justice Academy, and

representatives of four municipal police departments (one each from Northern, Down East, Central and Southern Maine.)

24. Dedicate the Inland Fisheries and Wildlife Department's ATV gas tax revenues to the ATV law enforcement grant program. (There would be approximately \$120,000 available from this source in fiscal years 2004 and 2005.) Additional funding could be derived if ATV registration fees are distributed in a similar manner as snowmobile fees (see recommendation No. 27). The revenues from ATV fines also should be dedicated to the grant program. The Department of Inland Fisheries and Wildlife will administer the ATV enforcement grant program with oversight from the Grant Review Committee. Administration of the program would require the department to hire additional staff or contract for services to ensure financial accountability and reporting of activities.
25. Institute the following enforcement policies and law changes:
 - Strongly recommend a "no chase" enforcement policy for officers in vehicles and operating ATVs, due to the risk of injury for both the officer and the person being pursued.
 - In support of this policy, the penalty for failure to stop for an officer would be increased to a Class D crime with a mandatory \$1,000 fine. Attempting to elude an officer (example passing a road or trail block) would escalate the penalty to a Class C crime.
 - Higher fines for ATV violations.
 - Make ATV violations count as points against a driver's license.
 - Make an ATV OUI part of a driver's motor vehicle record.
 - Make any violation of a criminal ATV law result in automatic impoundment of the ATV.
 - Require visible identification on both the front and rear of all ATVs. Three options to consider: A. License plates; B. Stickers; C. Flag extended on a pole on the back of the ATV.
 - Make the minimum-age requirement consistent for all recreational vehicles.
 - Establish self-reporting accident forms for minor personal injury accidents.
 - Establish more defined rules and posting of remote ponds classified by LURC.
 - Add destruction of signage and posting to Title 12, section 22-B, governing "Abuse of Another Person's Property."
 - Prohibit children younger than 10 years of age from operating an ATV, unless it is on land owned by their parents, grandparents or guardian, or at an approved ATV safety-training site.

Recommendations: To develop a high-quality trail system that protects the environment and the rights of landowners, while offering ATV riders a chance to enjoy multi-day trips, sport-riding areas and access to popular destinations.

26. Give high priority to connecting trails, creating loop trails and constructing sport-riding areas, especially in high need/problem areas.
27. Distribute state ATV revenues in the same categories as snowmobile revenues, with percentages dedicated to IFW for law enforcement and safety; to DOC for trail grants and equipment for trail development and maintenance, and to towns in lieu of excise tax.
28. Encourage membership in ATV clubs by offering a discount registration for ATV club members (similar to the N.H. discount for snowmobile club members). Recommended registration fees: Maine residents: \$33 (same as currently) for club members; \$50 for non-club members. Non-residents, \$68 for club members (same as currently); \$80 for non-club members.
29. Authorize five regional part-time employees (similar to IFW's recreational safety coordinators) to work up to 1,000 hours annually assisting DOC's Off-Road Vehicle Division to develop clubs and trails, and work on landowner concerns or problems.
30. Solicit help from conservation organizations, state agencies and the 16 Soil and Water Conservation districts to build and maintain ATV trails.
31. Find incentives to encourage landowners to work with clubs and the state ATV program to develop authorized trails.
32. Develop multi-use trails (snowmobile, ATV, biking, horseback riding, hiking etc.) by promoting the benefits of joint trails and providing better funding for joint trails.
33. Work with the Maine congressional delegation to change rules restricting use of federal funds to build multi-use trails. Currently trails built with federal transportation funds cannot include ATV use.
34. Commission an economic impact study from the Margaret Chase Smith Center for Public Policy to be completed as soon as possible. The study should review the current economic impact of ATVs in Maine, the potential economic impact, and the cost of ATV problems for the state's landowners and others.

Recommendations: To insure ATV riders are aware of ATV laws, ethics and safety issues.

35. Dedicate a percentage of the total ATV registration fees to safety efforts, including training courses, education, public awareness and a grant program to encourage innovative community safety programs.
36. Develop a program to phase-in mandatory ATV safety training. Begin by raising the ages for mandatory safety training from 10 to 16, to 10 to 18 for 2005. Then each year increase the age for mandatory training in three-year increments. (In 2006, it would be 21, in 2007, 24, etc.) Proof of safety training in other states will be accepted from non-resident ATV operators.
37. Offer adults (but not minors) the option of completing part of the six-hour safety course by studying at home and/or on-line and showing their proficiency by taking a test during the classroom component

38. Develop a two- to three-hour annual safety refresher course for adult riders and make it available for use by ATV clubs or other organizations, including adult education programs.
39. Add hands-on training to ATV safety courses by providing ATVs (of various sizes) for participants to use. Explore possibility of sharing these ATVs with the Maine Warden Service.
40. Require parents to attend ATV training with children ages 16 and younger.
41. Strongly recommend helmets for all riders.
42. Require mandatory training (or repeat training) for all ATV riders who are convicted of the most serious offenses, such as OUI, driving to endanger and criminal trespass.
43. Give the IFW Commissioner the authority to revoke the ATV safety certificate of ATV riders who violate other laws, forcing them to retake the ATV safety and ethics course.
44. Work with the ATV Safety Institute and the Maine Warden Service to train ATV club members to conduct safety checkpoints.
45. Make parents of children ages 6 through 11 (who are not able to take the state ATV training course) aware that other ATV rider safety courses are available that are designed for riders of those ages and taught on ATVs of the recommended size (50 cc).
46. Sharply increase public awareness of ATVs laws and safety issues by:
 - Conducting a statewide, multi-media campaign including TV, radio and print advertisements to teach ATV riders about laws, safety and landowners' rights.
 - Developing a brochure clearly stating the ATV accident statistics, strongly encouraging the use of helmets and educating riders about the most important laws regarding ATV use and safety.
 - Providing informational brochures and maps when ATVs are registered.
 - Providing informational brochures and maps when ATVs are purchased.
 - Handing out brochures at the Maine Turnpike's southern entrance to all vehicles bringing ATVs into Maine.
 - Dispersing information through ATV clubs.
 - Establishing an effective educational program to reach youngsters in schools.
 - Helping riders and parents learn what size ATV is safe for them or their children.
 - Telling ATV buyers about incentives (such as money from manufacturers) to take safety training.
 - Disseminating ATV information at sporting shows and other events, especially those likely to reach teenagers and young adults, such as the state basketball tournament.

Full report available at <http://www.state.me.us/ifw/aboutus/atvtaskforce.htm> or by calling 207-287-8000.